





Registrar Outreach

Contractual Compliance | ICANN 57 | 4 November 2016

Agenda

- Brief Update Since ICANN 55
 - RAA Lessons Learned Summary
 - Transfer Policy Compliance Update
 - Compliance Certification Requirements Reminder
 - Registrar Collected Compliance Issues October 2016
- Questions & Answers
- Additional Slides Provided in Appendix for Reference:
 - Continuous Improvement Update
 - WHOIS ARS Compliance Effort Update
 - Registrar Metrics Update
 - Audit Activities Update





RAA Lessons Learned Summary





1. Data Escrow Obligations

Terms, Format and Schedule

- Registrar Data Escrow Specification
 https://www.icann.org/en/system/files/files/rde-specs-09nov07-en.pdf
- Data escrow format requirements are applicable to all registrars
 - Match domain's public WHOIS format and content
 - Include privacy/proxy service customer information as required by 2013 RAA
- Deposit schedule will vary depending on registrar's quarterly gTLD transaction volume as determined by ICANN (daily or weekly)
- Registrars may elect to escrow data with ICANN's designated escrow agent (Iron Mountain) or an ICANN-approved Third Party Provider (TPP)
- Seven data escrow providers now approved:
 https://www.icann.org/resources/pages/registrar-data-escrow-2015-12-01-en



1. Data Escrow Obligations (continued)

Common errors with data escrow deposits

- Data in deposit does not match WHOIS lookup or port 43 WHOIS blocked
- 2013 RAA: deposit must contain P/P and underlying customer data
- Incomplete header row (missing ICANN required fields)
- Deposit file is empty or only contains a header row
- Deposit file name is incorrect
- Handle file (if required) is missing from the deposit
- Not comma de-limited
- Full file and Handle file contains no header row



2. Domain Renewal Requirements

Sending timely reminders to registered name holder - ERRP

- Renewal reminders must be sent at required times to registered name holder (RNH)
 - Approximately 1 month (26-35 days) and 1 week (4-10 days) prior to expiration and within 5 days after expiration
 - Required even if registration is on auto-renew
 - Must be communicated at least in language of registration agreement, and in a way not requiring affirmative action to receive notice
 - Can be sent to other email addresses in addition to RNH email address
 - Can be sent at other intervals in addition to those prescribed by ERRP
- For at least last eight consecutive days after expiration that registration is renewable, DNS resolution path must be interrupted
 - If traffic is re-directed to a parking page, it must say name expired and include renewal instructions
 - If RAE renews name, DNS resolution path must be restored as soon as commercially reasonable



2. Domain Renewal Requirements (continued)

Common errors with renewals

- Failure to send renewal reminders at required intervals
- Failure to timely disrupt DNS
- Reseller failing to send renewal reminders on behalf of registrars
- Sending renewal reminders to incorrect contact
- Registrar not specifying date/time zone notice was sent (time zone differential) when providing records to ICANN



3. Inter-Registrar Transfer Requirements

Transfer of registrations between registrars

- Registrars must use standardized Form Of Authorization (Sections 2 and 3 of IRTP)
 - Gaining registrar FOA: https://www.icann.org/resources/pages/foa-auth-2004-07-12-en
 - Affirmative response required from Transfer Contact before sending command to registry
 - Losing registrar FOA: https://www.icann.org/resources/pages/foa-conf-2004-07-12-en
 - FOA must be in English; additional languages are permitted
- AuthInfo code must be used to identify RNH only, be unique to each domain, and records may be requested to demonstrate compliance
- Additional information on changes to Transfer Policy in Policy Update Section



3. Inter-Registrar Transfer Requirements (continued)

Common errors with transfers

- Failure to provide AuthInfo Code within 5 days of request or provide facilities for registrant to obtain AuthInfo Code
- Failure to remove "ClientTransferProhibited" within 5 days of request or provide facilities for registrar to remove the lock
- Sending Form of Authorization (FOA) to non-Transfer Contact
- FOA not complying with standard FOA



4. UDRP Rule Requirements

Lock and Verification requirements UDRP Rule 4(b)

- Within two business days of receiving Provider's verification request, registrar shall provide information requested in verification request and confirm Lock of domain has been applied
- Lock is set of measures registrar applies to domain, which prevents any modification to registrant and registrar information by Respondent, but does not affect resolution or renewal of domain
- Expedited processing of UDRP Lock complaints:
 - Complaints are submitted by UDRP providers
 - One calendar day notice deadline



4. UDRP Rule Requirements (continued)

Common errors with UDRP Rules

- Failure to timely respond to verification requests from UDRP Providers
- Failure to lock domain subject to UDRP
- Allowing domain to expire or be deleted during UDRP dispute without providing Complainant option to renew or restore under same commercial terms as Registrant
- Failure to timely implement UDRP Decision
- Failure to communicate UDRP Decision and implementation date to all parties (including ICANN)





Transfer Policy Compliance Update

Effective 1 December 2016

https://www.icann.org/resources/pages/transfer-policy-2015-09-24-en

- Introduces a Change of Registrant (COR) procedure for Material Changes that requires registrars to:
 - Obtain express consent from both Prior Registrant and New Registrant through secure mechanism
 - Process COR within one day of receiving consent
 - Notify both Registrants of COR per policy
 - - Registrants may opt out of lock prior to any COR request



Transfer Policy (continued)

Effective 1 December 2016

- Changes to inter-registrar transfer process:
 - Registrars must deny a transfer request:
 - Notification of pending UDRP, URS or TDRP proceedings
 - Receipt of court order by court of competent jurisdiction
 - Due to 60-day lock following a Change of Registrant (COR)
 - FOA used by gaining registrars shall expire:
 - After 60 days from FOA being issued (unless registrar provides automatic renewal and registrant expressly agrees)
 - Domain expires before transfer is completed
 - COR is completed
 - Inter-registrar transfer is completed



Transfer Policy (continued)

Compliance Impact

New scenarios within contractual scope:

- Change of Registrant (COR) request within same registrar
- COR request and inter-registrar transfer request
- COR within one registrar and subsequent transfer to a different registrar
- Transfer from one registrar to another and subsequent COR
- ICANN may request information and records relating to five new mandatory reasons for denying inter-registrar transfer:
 - Registrar informed of pending UDRP
 - Court order of court of competent jurisdiction

 - Registrar informed of pending URS proceeding or suspension
 - ⊙ 60-day lock following COR (and registrant did not opt out)



Transfer Policy (continued)

Compliance Impact (continued)

- Additional information and records ICANN may request to determine compliance:
 - Records relating to communication and acceptance of COR (including dates/times)
 - Details regarding secure mechanism for transmission of COR
 - ⊙ Records relating to New Registrant, Prior Registrant and Designated Agent
 - Consent by Registrant to use Designated Agent
 - ⊙ Consent by Registrant to opt out of 60-day lock after COR
 - WHOIS information before and after COR
 - Reauthorization of expired FOA
 - Details regarding telephone FOA confirmation (date, time, telephone numbers and specific person)
 - New Losing Registrar's FOA (see https://www.icann.org/resources/pages/foa-registrar-transfer-confirmation-2016-06-01-en)



Compliance Certificate Requirements - Reminder

When to submit and what fields to complete

- Annually complete and return to ICANN within twenty days following end of each calendar year
- Certificate certifying compliance with terms and conditions of 2013 RAA
- Must be executed by president, chief executive officer, chief financial officer or chief operating officer (or their equivalents)
- Calendar year should be entered at top of form for year which compliance is being certified (for form submitted by 20 January 2017, the year certified will be 2016)
- Format is specified in 2013 RAA and at https://www.icann.org/resources/pages/registrar-compliance-certificate-2015-12-09-en





Registrar Collected Compliance Issues Oct 2016

- Registrant Data Escrow Issues
- Transparency on Audit Process



Registrar Collected Compliance Issues Oct 2016

Results of ICANN review

- System limitations:
 - Compliance Contact will be in ICANN's Salesforce.com platform
 - Complaint processing system missing/misformatted attachments
 - Closure notice missing resolve code wording
 - ICANN is exploring possible short term fixes
- Opportunities for template and communication improvements:
 - Request what and why information is requested
 - Communication updates to request registrars to specify attachment file names and explanation of attachment contents
 - Reduce or modify follow ups (include explanation for follow up)
 - Updates to communications regarding resellers
 - Provide ICANN with any pertinent information, including if complaint contains false or fake information
- Escalation of issues may be sent to <u>compliance@icann.org</u>



ICANN Audit Information Confidentiality & Security

The following measures are implemented to maintain security of audit site

- ✓ Unique user IDs and complex passwords
- ✓ User access provisioning and de-provisioning
- ✓ Antivirus measures
- ✓ Firewalls, intrusion detection sensors and event monitoring
- ✓ Demilitarized zone for Internet facing applications
- ✓ Physical and environmental controls
- ✓ Encryption of communications across public networks and Internet using MoveIT tool
- QUALYS' SSL LABS

 Home Projects Qualys.com Contact

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- Documentation is reviewed by audit team
- Audit site security rating is "A" based on https://www.ssllabs.com/ test
- KPMG's contractual agreement with ICANN includes confidentiality obligations requiring KPMG to protect data



Registrar Stakeholder Group – Transparency On Audit Process

- Audit Selection Criteria Remains:
 - Not previously or recently audited
 - Highest number of 3rd notices per number of domain names under management
 - Calculated over past 12 months
 - Received Notice of Breach in last 12 months
 - Highest number of failed data escrow deposits
 - Low responsiveness to ICANN's requests
 - Consistently waiting to respond until final deadline or responding partially
 - ICANN Community Concerns for example media/blogs, contracted parties
- Audit Communications
 - All contracted parties receive pre-audit notification to alert audit is occurring
 - Based on feedback at Los Angeles GDD Summit, notifications are also sent to those not included in audit



Questions & Answers



Send compliance questions

<u>To</u>: compliance@icann.org

Subject line: ICANN 57 Registrar Outreach Session

The ICANN 57 presentations are available at:

- The ICANN Contractual Compliance outreach page at this link https://www.icann.org/resources/compliance/outreach
- The ICANN 57 Schedule page at this link https://icann572016.sched.org/



Appendix

- Continuous Improvements Update
- Whois ARS Compliance Effort Update
- Registrar Metrics
- Audit Activities Update
- Visit https://www.icann.org/resources/pages/registrar-2012-02-25-en for information about:
 - Process Guidelines
 - RAA Guidelines



Continuous Improvement Updates

- 3rd Notice Outreach Pilot
 - To improve registrar compliance and resolution rate
 - Eight registrars selected (six participated)
 - Positive feedback from participating registrars
 - ICANN will monitor 3rd notice volume until end of December 2016
- Remediation Validation Pilot
 - To test and validate past remediation efforts

 - No new instances of noncompliance



Continuous Improvement Updates (continued)

- Registrar Outreach in Korea and China <u>https://www.icann.org/resources/compliance/outreach</u>
 - WHOIS Accuracy Specification Program
 - WHOIS Format
 - Uniform Domain Name Dispute Resolution Policy
 - Contractual Compliance approach and process
- WHOIS Verification Projects in Korea and China
 - To test registrars' compliance with the 2013 RAA requirements to verify and validate WHOIS information
 - In progress





WHOIS ARS Compliance Update Since ICANN 55

- WARS main page: https://whois.icann.org/en/whoisars
- WHOIS inaccuracy complaints tested operational accuracy of addresses, telephone numbers, and email addresses of registrant, admin and tech contacts in WHOIS data
 - Phase 2, Cycle 1
 - 2,689 WHOIS inaccuracy tickets
 - 1,378 forwarded to registrars
 - 2 tickets still in remediation
 - Phase 2, Cycle 2
 - 4,005 WHOIS inaccuracy tickets
 - 964 forwarded to registrars
 - 2,202 remain to be processed
- WHOIS format complaints Syntax failure
 - Combined results from Phase 2, Cycles 1 and 2
 - 1,127 domains across 15 registrars
 - Fourteen of fifteen registrars have completed remediation



WHOIS ARS Compliance Update (continued)

- Sample of the top closure reasons and volume for Phase 2 Cycle 1:
 - Domain suspended or canceled (989)
 - WHOIS data at ticket creation different from sampled WHOIS data (569)

 - WHOIS data changed or updated (393)
 - Registrar verified sampled WHOIS data is correct (158)
- Sample of top closure reasons and volume for Phase 2 Cycle 2 (some complaints closed with multiple reasons):
 - WHOIS data at ticket creation different from sampled WHOIS data (859)
 - Domain suspended or canceled (289)
 - Domain not registered when ticket processed (217)
 - WHOIS format issue identified for 2013 Grandfathered Domain (144)
 - WHOIS data changed or updated (90)



WHOIS ARS Compliance Scope & Approach

- Compliance coordinates with WHOIS ARS team to ensure testing aligns with RAA and provides processing feedback to improve WHOIS ARS
- Complaints created from WHOIS ARS are processed as WHOIS inaccuracy or WHOIS format complaints, following published Contractual Compliance Approach and Process https://www.icann.org/resources/pages/approach-processes-2012-02-25-en
- ICANN issued 4 notices of breach for Phase 2 Cycles 1 and 2 tickets
- WHOIS ARS Phase 2 Cycle 2 completion expected around 30 November 2016
- WHOIS ARS Phase 2 Cycle 3 complaints processing expected to begin November 2016
- ICANN will continue to give priority to complaints submitted by community



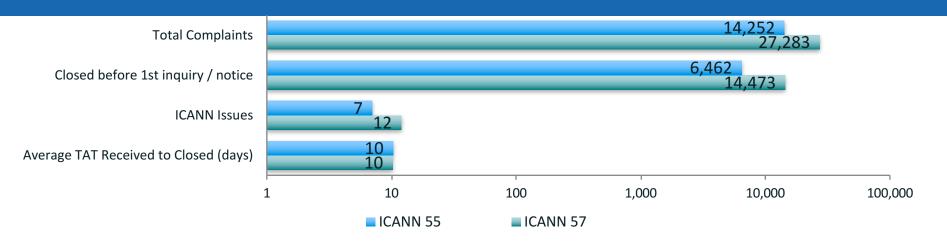


Registrar Complaint Types in Detail

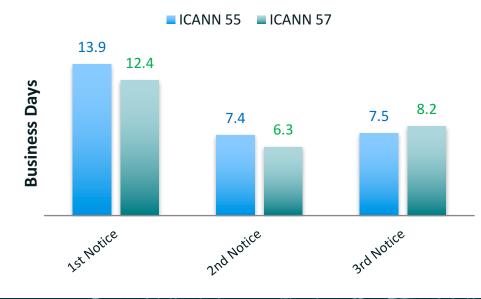
Registrar Complaints	Quantity		Closed before 1st inquiry / notice		ICANN Issue	
	ICANN 55	ICANN 57	ICANN 55	ICANN 57	ICANN 55	ICANN 57
WHOIS INACCURACY	10,399	19,686	3,974	9,232	3	2
QUALITY REVIEW	1	5	0	0	0	0
Bulk Submission	3,223	2,744	455	225	0	0
individual submission	7,175	13,932	3,519	7,542	3	1
WHOIS ARS	0	3,005	0	1,465	0	1
TRANSFER	2,345	3,825	1,567	2,813	0	0
WHOIS FORMAT	352	735	214	537	3	0
DOMAIN RENEWAL	260	603	149	390	0	0
DOMAIN DELETION	172	370	162	380	0	0
ABUSE	158	377	121	280	0	0
WHOIS UNAVAILABLE	130	399	66	258	1	1
DATA ESCROW	97	310	0	41	0	9
WHOIS SLA	79	126	70	103	0	0
CUSTOMER SERVICE	59	173	41	142	0	0
REGISTRAR INFO SPEC	57	91	25	78	0	0
UDRP	55	153	22	68	0	0
REGISTRAR CONTACT	53	78	27	62	0	0
DNSSEC, IDN, IPV6	11	17	8	13	0	0
REGISTRAR OTHER	10	36	5	19	0	0
FAILURE TO NOTIFY	8	28	7	25	0	0
PRIVACY/PROXY	6	44	4	32	0	0
RESELLER AGREEMENT	1	1	0	0	0	0
FEES	0	1	0	0	0	0
CEO CERTIFICATION	0	230	0	0	0	0
Total	14,252	27,283	6,462	14,473	7	12



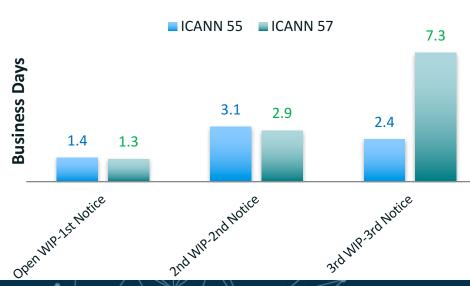
Registrar Complaint Volume & Turnaround Time



Registrar Average Turn Around Time (TAT)

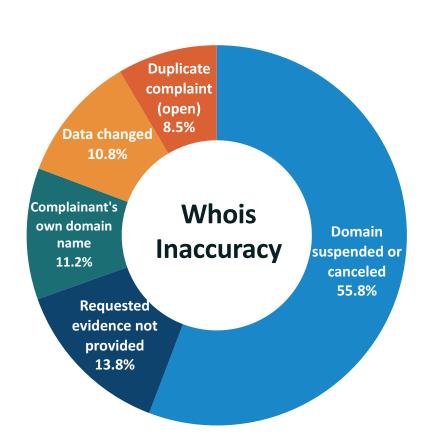


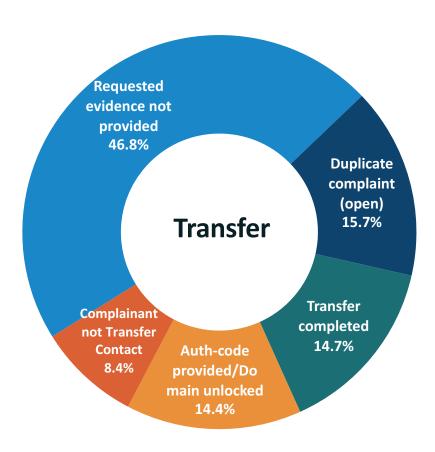
Staff Average Turn Around Time (TAT)





Registrar Complaint Types & Top Closure Reasons (Feb 2016 – Sep 2016)

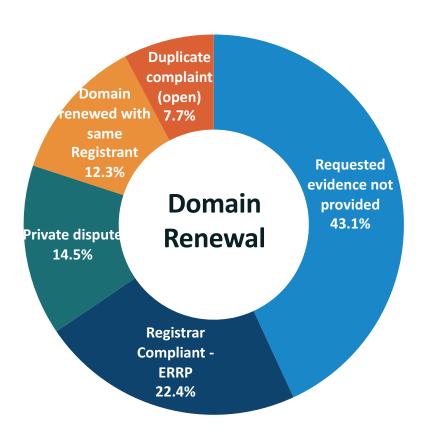


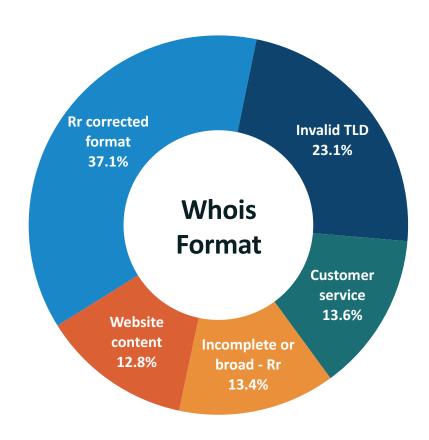


Disclaimer: Due to rounding, percentages may not always appear to add up to 100%.



Registrar Complaint Types & Top Closure Reasons (Feb 2016 – Sep 2016)

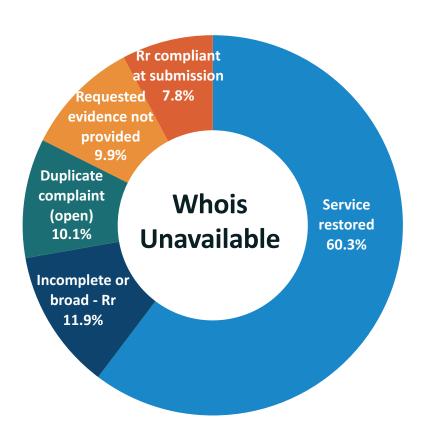


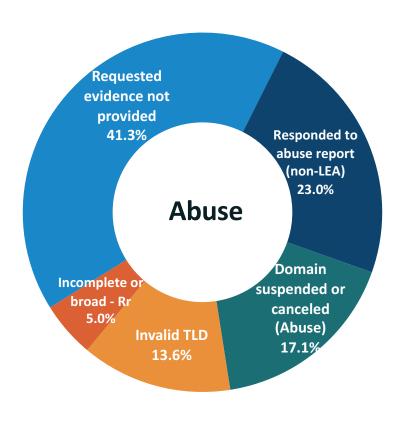


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Registrar Complaint Types & Top Closure Reasons (Feb 2016 – Sep 2016)

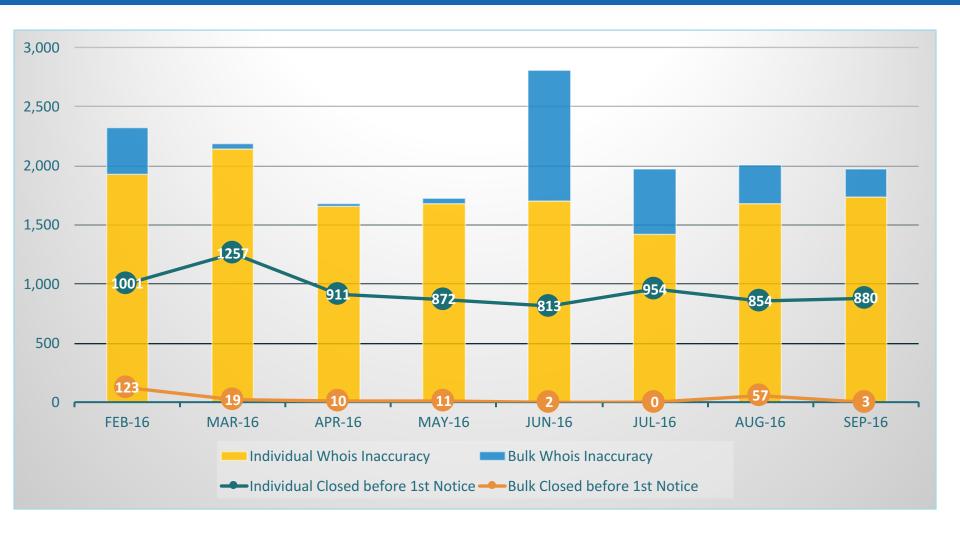




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Whois Inaccuracy Complaints – Individual vs. Bulk (Feb 2016 – Sep 2016)







Registrar Audit Timeline – May 2016

Audit Program Milestones								
Pre-Audit Notification	Request for Information (RFI) Phase		Audit Phase		Initial Report	Remediation Phase	Final Report	
	1 st Notice	2 nd Notice	3 rd Notice	Begin	End	Date Issued	Start - End	Date Issued
2 May 2016	17 May 2016	7 Jun 2016	14 Jun 2016	14 Jun 2016	1 Aug 2016	2 Aug 2016	2 Aug - 6 Sep 2016	Oct 2016



Registrar Audit – May 2016

RFI Phase	
Registrars selected for the audit	123
Registrars excluded from audit (part of family)	108
Total Remaining Registrars	15
Initial Report Phase	
Registrars passing all audit tests	0
Registrars requiring follow-up and remediation	15
Registrar Total	15
Remediation Phase and Final Report Phase	
Registrars completing resolution of initial findings	5
Registrars implementing a remediation plan	9
Registrars with notice of breach for insufficient response	1
Registrar Total	15



Registrar Audit Deficiencies Noted – May 2016

Description or area where deficiency was noted	Registrars with Deficiencies	Potential Risk/Impact
Whois- Port43/Web, Corresponding Data Elements	67%	Format / content of Public Whois output is not in compliance with RAA requirements
Retention of Registration Data	20%	Registration records are not retained as required by RAA.
EDDP-Domain name renewal, provision of applicable information to registrants	73%	Registrants are not aware of renewal/expiration terms & conditions
Registration Agreement (mandatory provisions are missing)	93%	Registrants are not aware of all terms and conditions of the agreement between Registrant and Registrar
Complaints & Dispute Resolution process	7%	Registrants are not aware of customer service handling processes established by Registrar
Reseller agreement (mandatory provisions are missing)	7%	Resellers are not fully aware of all of their obligations when representing a Registrar
Registrar Training	47%	Registrar is not fully aware of Registrar's rights and responsibilities under RAA
Obligations Related to Proxy and Privacy Services	33%	Registrar is not fully compliant with requirements of the Specification on Privacy and Proxy Registrations
Link to Registrant Educational Information is missing	53%	Registrants are not fully aware of their rights and responsibilities
Registrar contact details on Registrar website is missing or incomplete	27%	Inability to contact a Registrar
Registrar Abuse Contact and Duty to Investigate Abuse Reports	60%	Registrar is not compliant with its responsibilities to receive reports of abuse and respond to such reports

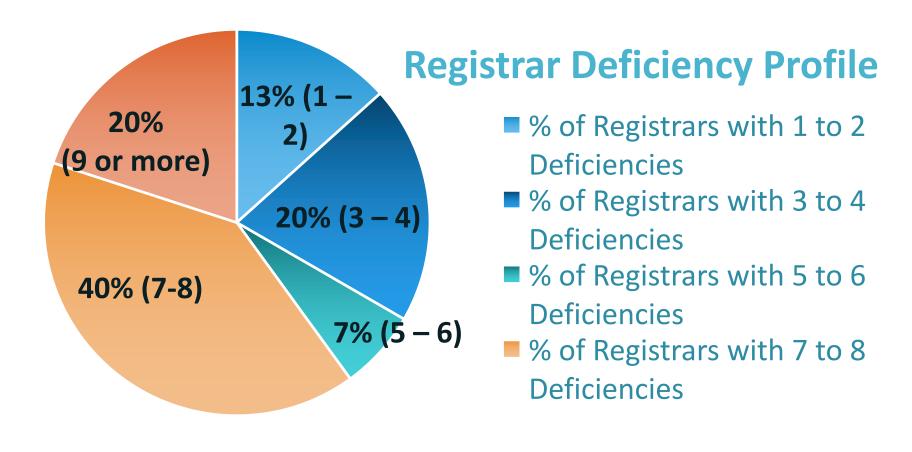


Registrar Audit Deficiencies Noted – May 2016

Description or area where deficiency was noted	Registrars with Deficiencies	Potential Risk/Impact
Issues with DNSSEC	13%	Registrar does not offer / support additional level of security & protection to registrants requesting this service
Notice of Bankruptcy, Convictions and Security Breaches	13%	Registrar is not aware of or fails to comply with its obligation to notify ICANN about these events
Consensus Policies - Inter-Registrar Transfer Policy (IRTP) and Transfer Emergency Action Contact (TEAC)	60%	Registrar does not fully follow IRTP requirements when domain transfers are done; TEAC contact information is not available
Consensus Policies - Expired Registration Recovery Policy (ERRP)	13%	Registrar is not fully compliant with its domain expiration obligations under the RAA and, as a result, Registrants are not aware of renewal/expiration terms and conditions
Consensus Policies - Restored Names Accuracy Policy	7%	Registrar is not fully compliant with its obligations when deleted domains are restored
Consensus Policies - Whois Data Reminder Policy (WDRP)	20%	Registrar is not fully aware of potential changes to Registrant contact information
Incorrect / Outdated Contact Information in RADAR	27%	ICANN is unable to contact Registrar



Registrar Audit Deficiency Profile – May 2016







Registrar Audit Plan – October 2016

- Goal: Proactively identify potential instances of non-compliance with RAA and manage remediation process to ensure compliance with contractual obligations
- Approach: Implement continuous audit program to all contracted parties with a consistent process and methodology
- Selection Criteria:
 - Last audited in 2012-2013
 - Are not part of a registrar family
 - On the 2013 or 2009 RAA
 - ICANN community concerns and responsiveness to compliance requests



Registrar Contractual Compliance Audit Timeline – October 2016

Audit Program Milestones									
Pre-Audit Notification	Request for Information (RFI) Phase			Audit Phase		Initial Report	Remediation Phase		
Date sent	1 st Notice	2 nd Notice	3 rd Notice	Begin	End*	Date Issued*	Start – End*		
26 Sep 2016	4 Oct 2016	25 Oct 2016	1 Nov 2016	8 Nov 2016	20 Dec 2016	21 Dec 2016	21 Dec 2016 - 25 Jan 2017		
For Registrars located in China, ICANN granted an extra week due to National Holidays during the week when RFI was sent									
26 Sep 2016	4 Oct 2016	1 Nov 2016	8 Nov 2016	15 Nov 2016	20 Dec 2016	21 Dec 2016	21 Dec 2016	25 Jan 2017	

During the Request for Information and Audit Phases, ICANN will follow the 1-2-3 notification process (15 business days, 5 business days, 5 business days).

For more information on notification process please see:

http://www.icann.org/en/resources/compliance/approach-processes/overall-19jun13-en.pdf



^{*} Audit and Remediation Phases may be completed, and reports sent out, prior to dates shown.

Registrar Audit Selection Statistics – October 2016

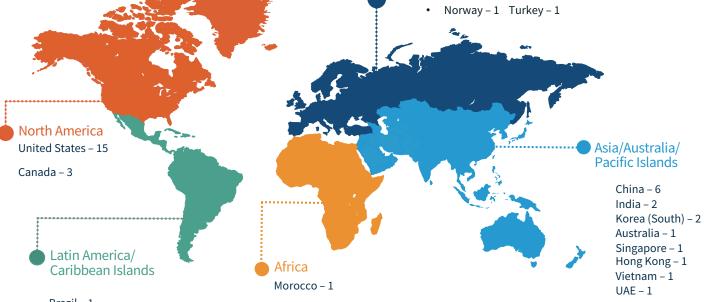
Registrars: 55 (Audit and follow-up re-testing)

Countries Represented: 25

Italy – 2 Russian Federation – 2 Sweden – 2 Austria – 1 United Kingdom – 1 Europe

Germany – 3 Spain – 3 Denmark – 2





Brazil – 1

Panama - 1

