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COPENHAGEN – Contractual Compliance Program Updates and Q&A Session  
Monday, March 13, 2017 – 11:00 to 12:15 CET  
ICANN58 | Copenhagen, Denmark

UNIDENTIFIED MALE: It is Monday, March 13, 2017 in Hall C1.4 GNSO for the Contractual Compliance Program Updates and Q&A Session, 11:00 to 12:15.

MAGUY SERAD: Good morning, everyone. We will be starting shortly. We invite you to join us around the table. It's open seating and if you're comfortable, plus, it makes it easier to sit and talk to us that way.

All right. Good morning, everyone. Nice to see everybody here. We have some places around the table. Please join us. My name is Maguy Serad, Contractual Compliance. This is the Compliance update to the community on the different activities. And this is an update where we also would like to make sure we engage in a dialogue and facilitate conversation with everybody that's in the audience.

This session is open. This session is being recorded. And translation will be provided. The presentations for today's

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session is also uploaded in the schedule. So, thanks again for joining us.

With me from the team, I have the Istanbul team with me, Zuhra and Seher. I have Jennifer Scott from the LA Office and Yan Agranonik from the Risk & Audit Senior Manager. Last but not least, I also have the new Senior VP of Contractual Compliance Safeguards with us today.

So, I'm going to turn the mic to you, Jamie, for a brief introduction and then we'll start.

JAMIE HEDLUND:

Sure. Thank you, Maguy. Yes, I am the new Allen Grogan but I'm not turning my hair white quite yet. I started fairly recently so I'm new but my door is always open and hope to meet and hear from any and all of you.

By way of background, I've been in ICANN for seven years. Most recently led our efforts with the U.S. Government and did some other things with GAC Advice and WHOIS, and now very much looking forward to stepping into this role.

I wanted to make two plugs to this audience. One, there's a posting for Director for Consumer Safeguards that is still open. And if you know of any strong candidates, this is an important

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role for ICANN. And the description, the link is online. I'm sure we can find it.

And the second is I'd be grateful for your input on this idea of an ALAC community-wide ad hoc working group on Contractual Compliance and Consumer Safeguards. I think this would be a great vehicle for a community discussion as well as transparency on all things compliance related and consumer safeguards related.

So, if you have any feedback on either of those, please let me know. And other than that, it's great to be here. Thanks, Maguy.

MAGUY SERAD:

I would like to encourage anyone to join us at the table. Think of this as the Contractual Compliance Public Forum. So, it's our community discussions here. We have participants from the entire ICANN organization. No, sorry, community and organization.

All right. Thank you, everybody, again, for joining us. Our goal this morning is to provide you a brief update on the activities since ICANN57. And immediately after the update, we will open up the Q&A session. So, thank you in advance for holding your questions until the Q&A session.

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The update is going to be provided in a generic format exactly and update not specifically highlighting a specific case. But if you are interested in further detailed questions, we will happy to take those. So, Seher?

SEHER SAGIROGLU:

Good morning, everyone. My name is Seher Sagiroglu, I'm based in Istanbul office. I will briefly talk about new updates about transfer policy. This policy aims to provide the straightforward procedures for transfer between ICANN accredited registrars and between different registrants. And the biggest change in the policy actually is about the change of registrant process.

The new policy became effective as of 1<sup>st</sup> of December 2016. So, with this new policy, domain name holders can update their registrant's information in the WHOIS data to transfer their domain names to another registrants freely. But to make this process more secure for all parties, prior registrants and new registrants should consent and approve their change of registrant request. And, of course, this consent and confirmation should be done before any change happen in the WHOIS data.

So, in addition to that process, there is a new procedure or new lock defined in the transfer policy. So, if registered name holders made any change in the WHOIS data, domain name will be

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locked for 60 days if registrants was not provided with 60-day lock – was not provided with the option 60 days’ entire registrar transfer lock.

So, if registrant’s final goal is to transfer this domain name to another accredited registrar, it is strongly advised to transfer the domain to another ICANN accredited registrar before making any change in the WHOIS database.

So, regarding the change in the policy, I have to say that there are also additional change-related to the entire registrar transfer process. And those clarifications are edited to policy to make these transfers more secure and to avoid any unintended transfers between registrars and between different registrants. If you have any questions related with those part, I’ll be happy to answer at the end of this presentation. Now, I’m turning the mic over Zuhra Salijanova.

ZUHRA SALIJANOVA:

Hello, everyone. My name is Zuhra Salijanova. I’m also based in Istanbul ICANN office like Seher. I will continue to talk about some other lessons learned areas that Compliance was working since ICANN57. So, the second item is domain renewal reminders. There are some other issues that was identified that some of the registrars and resellers are not sending required

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renewal reminders to registrants regarding the domain names that are due to expirations. So, ICANN is working closely with registrars to remediate identified issues.

Another area [that] was explored is registrar data escrow obligations. Some of the registrars are not complying with its deposit obligations like escrow records deposit that are not in the proper format or they have missed their required schedule with data escrow agents.

And the last one is the Uniform Dispute Resolution Policy requirements. As you know, the new requirements were brought back in 2015 where registrars are required to lock the domain names subject to UDRP dispute and to provide the verification of the WHOIS upon the request.

This is a summary of the complaints that's been processed since ICANN57. You can see some of the changes made. We made a subcategorization of the WHOIS inaccuracy complaint which is the most voluminous complaint that has been processed and submitted.

The next three slides would describe the top closure reasons of the complaints process since October 2016 and January 2017. So, you can see that WHOIS inaccuracy complaints were closed. For example, domains were suspended. After the complaint was

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submitted, some of them were closed because the requested evidence was not provided by the reporters. Next slide, please.

And the same domain renewal and WHOIS format, so you can see some of the reasons of closure. Most of the time, requested evidence is not provided after the complaint is submitted because it's very important to validate the complaints in order to address it properly.

Domain deletion and abuse. So, some of the reports submitted regarding some of the abusive registrations. Again, just because their evidence is not provided properly and insufficiently, some of the complaints have been closed. So, you can see the percentage of it. But some of the percentage you can see here that the registrars are responding properly as it's required by their Registrar Accreditation Agreement.

And with this, I turn over to Jennifer Scott.

JENNIFER SCOTT:

Good morning. I'm Jennifer Scott and I'll be speaking to the registry side of Compliance efforts. Again, these are some of the lessons learned from the registry side. The first one is the one most pertinent to end-users or third parties. And those are complaints that ICANN receives for zone file access in the Centralized Zone Data Service.

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This is a third-party complaint that ICANN has a complaint form for where third parties who have requested access to the Centralized Zone Data Service can file a complaint either about the denial or revocation of their requests.

We also receive a lot of requests that have been pending where the registry operator hasn't provided access over a certain period of time. And these types of complaints are the largest volume of registry complaints since ICANN57.

The other three items here, registry data escrow requirements, assignments which include change of control and material subcontracting arrangements and Bulk Registration Data Access are more of things that are internally monitored by ICANN and don't have great of an effect on third-party end-users. Data escrow of course relates to end-user data but the technical requirements are monitored internally by ICANN.

Similar to the registrar side, we've got a slide here for the registry complaint volume. Again, comparison numbers between ICANN57 and ICANN58, the numbers from ICANN57 look a little larger because it was a greater time period in which we were reporting since we usually report since the last ICANN meeting but with the change up to the meeting format type, there had been a preceding policy forum where ICANN Compliance didn't provide metrics.



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So, there was a seven-month period for the ICANN57 metric volume as opposed to the four-month period for the ICANN58 metric volume. And again, you'll see these closure codes related to our registry complaints, zone file access, data escrow I just spoke to. And on the next slide, we've got SLA monitoring alerts and the Bulk Registration Data Access.

YAN AGRANONIK:

Good morning. I'm going to be talking about audit activities. In case if you don't know Contractual Compliance performs the proactive audit of registrars and registries. Right now, we are in one of the rounds of registrar audits. On the slide here, you can see the timeline that shows the progress of the current round of audit. Next slide, please.

This slide shows you the selection criteria. I'm not going to go in all details but you can see that we have certain sets of criteria how we select registrars for audit. In this round primarily, we have included registrars who have been audited the longest time ago, about three years ago. And some other criterias are listed here. Next slide.

Here, you can see roughly what the population of an audit looks like. We are looking at 55 registrars at this point. They are, as you can see, from different countries. Documentation, we receive in

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different languages. We've been assisted by a vendor who is helping us with language capabilities. This round is slightly larger than all the prior rounds that we had before. Next slide.

Here, you can see, on the slide three and then on the next slide, you have two top five audit deficiencies. These are the not more serious deficiencies, if I want to put it this way. These are more frequent ones. Really briefly, number one is that registrar is not keeping the record of a registrant accepting terms and conditions of their Agreement.

Number two is abuse contact that's supposed to be posted and monitored is either not posted on the registrant website or the mailbox is irresponsive. We test that.

Number three is WHOIS output is either not in standard form, meaning the format is bad or the content is missing. We're looking at that.

This slide is basically the last two deficiencies. There is certain web-posting obligations that registrar has. And specifically, this link should be posted and it's not frequently. And also, there is an obligation for the registrar to keep the updated information with ICANN so we can contact them when it's needed. And during audit, we figured out that lots of registrars are not

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keeping up. Typically, it happens when there is a change in ownership or primary contact is left the company.

This portion of the presentation is talking about our Data Escrow Proactive Monitoring. As you know, the registrar is supposed to deposit their data with the data escrow agents. And we discovered that a lot of registrars, not a lot of the registrars, certain number of registrars is not depositing all the names that they have currently under their management.

Since ICANN57, we requested about 80 data escrow reviews and found out that certain number of registrars is not completely depositing all the domains under the management. Primarily, it happens with the new gTLD. So, the legacy domains are deposit. Meanwhile, the new gTLD domains are not. When we discovered the situation, we contact the registrar and then they remediated the issue.

This slide is basically going into a little bit more detailed about invalid data escrow file meaning the file that is deposited with data escrow agent is not in the form that data escrow specification request it to be. It's technical so I don't think we need to go into details.

New Registry Agreement Audit. This slide is talking about the timeline of the registry audit that we're currently performing. At

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this point, we have 20 registries under audit or 20 TLDs, if you will. This is a timeline. We are in a middle of an audit right now.

Similar to the slide about the selection criteria for the registrars, this is the registry selection criteria. This is explaining why certain TLDs are selected for audit.

Some statistics on how many TLDs were selected and why. The only point I want to make here is that these four criteria especially the first criteria, as you know, TLDs are serviced by backend service providers and our goal was to cover all the backend service providers. And with this particular audit, this test will be completed.

I think I can turn over back to Maguy.

MAGUY SERAD:

Thank you, everyone, for your presentation. Before I open it up for Q&A, I would like to invite this audience that's standing. We have few chairs. We promise we won't put you on the spot or recruit you into compliance activities. So, please feel free to join us at the table.

Couple of updates I would like to also share here as we continue the update is you know Compliance has presence in the three regions. We have Compliance Team members in Singapore, in

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Istanbul and in LA. Our goal and effort has been to strengthen the presence of the Compliance Team in those locations to be able to have more of what we call regional presence but also the ability to work directly with the contracted parties but also be able to provide our services around the globe.

The other effort I wanted to share with you is the data that's provided to you is the data that's been work in progress since – when did I join? 2011-2012 – and has continued to grow and develop. What we are looking forward to now is the next evolution of the compliance data. It has been stable. We've tested it, stabilized it. And now, if many of you are following, the Competition Consumer Trust Review Team, they have published their report for public comment. In there, they also are suggesting some additional granularity to the data.

So, I encourage everyone to take a look at it because while we want to accommodate different requests for data, we encourage it to come through a working group or a stakeholder group so we can really make sure we are providing data that's relevant to everybody, not just cater to individuals.

Before I also open Q&A, also for the sake of transparency, I want to inform the audience that Compliance is participating in two more activities in addition to some of the other visits to stakeholders like we call it the roadshow. But we are actively

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participating in a session today at 1:45 on a panel for the DNS abuse. That's hosted by the Public Safety Working Group. And we have been requested to present a briefing to the GAC on Wednesday.

With this, we'd like to open the floor for questions. Please, at the mic, state your name and affiliation. And speak slowly because we do have translation and participants in the Adobe room.

We have a remote question from Steve Metalitz regarding most common deficiency in registrar audits: "Is the problem that the registrars are not entering into compliant agreements with registrants or that they've done so but are failing to document that to your satisfaction? And how frequently is this deficiency found? Example, what percentage of audited registrars have this deficiency?"

JAMIE HEDLUND:

Thank you for your question. Mostly, this particular deficiency is when a registrar is not actually entering or does not have a system in place that, I don't want to say forces, but makes a registrar name holder to accept the terms and conditions. Sometimes it's just an informational page that informs them about the obligation but it doesn't make them to accept these terms and conditions.

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But we rarely see instances where a registrar has the system in place did not capture the acceptance. So mainly the reason is when registrar, again, does not create the system where registrant must accept the terms and conditions.

And percentage-wise, I cannot tell you right now from the top of my head but the numbers are published in the audit report because the statistics came from the last audit. And the detailed audit report is published on our website that tells you exactly the percentage of registrars having each type of deficiency. And there are more deficiencies there.

MAGUY SERAD:

Steve, thank you for your question. But I would like to note for the audience also, a matter of more informational. If you note on the deficiency slides, there is a footnote that says a deficiency is defined as an initial finding.

So, what does that mean? It's the preliminary report that when Compliance reviews the data that's been provided and the questions that were answered, we identify that as an initial deficiency.

After we provide the contracted parties with an initial deficiency, there are several possibilities. A possibility where it's truly an initial deficiency that we need to remove. Maybe we did not find

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it on the web, if it's a web posting obligation, for example, and then the registrar or the registry will point us to it. It could be that once we had the dialogue and then a contracted party provides us the proof or the evidence, that deficiency is removed.

So, an initial deficiency, think of it, as I said, as just an initial report. And as Yan explained, we publish all audit reports on our website and encourage everyone to go check, to read it because we do discuss the initial deficiencies and we do discuss the final outcomes

BRADLEY SILVER:

Hi. I'm Bradley Sivler, a member of IPC. This is just a personal comment question. I notice that in the 2016 Annual Report, of the 548 abuse complaints, 396 of those were dismissed before the first notice. Can you provide any detail about why that number were dismissed before the first notice and if there's any further data you can provide us on why you think that was such a large number? Thanks.

MAGUY SERAD:

Hi. Thank you for the question. Can we go back to the resolved quotes for the abuse? Yes. As you can see in the percentage, the reason why that percentage or why the submitted complaints



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were closed, because the sufficient evidence was not provided by the reporter in order to validate it properly and address it to registrar.

BRADLEY SILVER: Thanks. And as a follow-up, is there any information that you provide potential complainants about what would constitute sufficiency in terms of evidence?

MAGUY SERAD: For example, we request for copies of communication with registrars to make sure that the registrar did not take reasonable steps to address abuse complaint as it's required by the Accreditation Agreement.

MAXIM ALZOBA: Maxim Alzoba of .moscow. A question about page 12, SLA alerts. What percent of SLA was reached when the complaints were opened? Is it 10% or less? Yes, please clarify.

JENNIFER SCOTT: Hi, Maxim. Can you repeat that or rephrase it? I'm sorry.

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MAXIM ALZOBA: The SLA alert, it opens, as I understand, you self-create the case when you have notification from the SLA monitoring system. And at which percent of allowed SLA for some services, it's 100% then it's termination of contract. So, at which stage have you opened this case?

JENNIFER SCOTT: Thanks Maxim. There's different thresholds for different requirements under the Registry Agreement. So, for the DNS and DNSSEC types of failures, there's one threshold. And the automated compliance alert is triggered I believe at 75%. Excuse me. We're going to bring up the slides so I don't have to pull from my memory bank here.

MAGUY SERAD: Sorry for not intention to make you dizzy but we're pulling up the information because this is a good way to do a show and tell what's published on our webpage but also so we can answer Maxim's question more factually.

JENNIFER SCOTT: So, for DNS and DNSSEC, the initial incident which is three minutes of downtime is what triggers the automated

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compliance alert. And then there's also – yes, did you want to jump in?

YAN AGRANONIK:

Yes, just right from 3%. If you read the array, if you [breach], it's delayed, it's the moment when the registry is transferred to a bureau and you get out of the business. And the only threshold which is mentioned is 10% when the, like emergency escalation might start.

So, I think it's a good idea to tie what you monitor to what's in the contract. So, until we are not in [breach] formally, there should be no complying because you can escalate and enforce only things in scope of our contractual obligations. If it's not, you should have never opened it. Thanks.

FRANCISCO ARIAS:

Hi. This is Francisco Arias, ICANN Org. So, a couple of clarifications there in terms of the DNS service if you read the specification then of the Registry Agreements as there is no allowance for downtime of the DNS service as defined and [expected]. So that's the reason why in that moment that the DNS service is seen fairly there is this type of notification.

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MICHAEL FLEMMING: I had a question on the same slide 12. This is the same slide deck, I would assume. But for complaints that were noted as ICANN issue, were these complaints that were issued before of a mistake on behalf of ICANN? Because I was looking at the total number of nine and six seemed relatively low to me.

JENNIFER SCOTT: Yes. The ICANN issue metrics are how we describe complaint tickets that went to registry operators or registrars that shouldn't have. And so, what we do is we pull back those from first notice or whatever notice inquiry has been sent and note them as ICANN issues here.

And so, these are things, for instance, like duplicate reports that might have gone out. Just staff didn't realize one had already gone and so the second one should never have gone out. It could be just a variety of opportunities for staff to correct. And so, we let the contracted party know, we're closing this complaint, we're pulling it back from the metrics and then we include it in our ICANN issue count.

[FAULKER]: Yes. Looking at this and looking at the ICANN issue, there seems to be, from my experience at least, a column missing which is the third-party provider issue which would, for example, look at

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failures at a third-party provider ICANN uses to measure compliance such as registry data escrow services which generate regularly false complaints about missed or for incomplete uploads that turn out to be, “Oh, we made a mistake” or “Our systems didn’t work right”, us being not the registrar or ICANN but the third party provider that collects, etc.

That’s just something we are seeing regularly and have notified ICANN a lot of times that while we upload everything correctly, the third-party provider ICANN users simply does not receive store or generates erroneous messages that lead to compliance issues or compliance ticket issues to us that should not have been issues.

JENNIFER SCOTT:

Thanks, [Faulker]. So, some of those ICANN issues may be a result of third party providers giving us information that’s incorrect. It’s just not broken out into these numbers here. If we do realize that for instance, data escrow agent had a failure that affected everyone, of course, that would be pulled back and not considered something that should have been addressed by the contracted party.

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[FAULKER]: Yes. I'm just looking at the registrar data. I look at the wrong codes. I'm Sorry. I looked at the registries.com here. It was the registrar.com. Yes, it looks better.

MAGUY SERAD: [Faulker], that's the slide you're referring to.

[FAULKER]: Yes. It still seems like low number compared to the amounts of complaints that we know that registrars receive regarding missed or allegedly missed data escrow filings. Having I think seeing here 377 and complaints or notices and only 9 ICANN failures in the same time period seems a bit off or low. So, I probably would advise to look at those numbers again to raise number of ICANN issues.

BRADLEY SILVER: Thanks. Just coming back to the answer to the question I asked earlier, your answer with regard to why complaints were being dismissed was that the complainant hadn't shown that reasonable steps had not been taken by the registrar before a notice from ICANN would be triggered.

And I guess just to make sure that I understand that. So, if a abuse complaint is provided that shows that there is evidence of

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abuse and that a notice to the registrar did not trigger either a response or a forwarding of that notice to the registrant or if the notice was forwarded but nothing further was done. I'm interested at what point you decide that the reaction to the abuse complaint is reasonable or not.

So, for the benefit of complainants to understand what they need to show before something will be triggered from Compliance to the registrar because there seems to be a number of things that the registrar could or could not have done in order for her to have met that standard. But some clarity on what you regard that to be would also be helpful.

ZUHRA SALIJANOVA:

Thank you for the question. So, I just want to make sure that I understand properly the question. So, you want to know on what basis the complaints were closed before the first notice even though the evidence was provided by the reporter, correct?

BRADLEY SILVER:

Yes, but more specifically, when you say that a notice to the registrar would not be triggered unless evidence was provided that the registrar had not acted reasonably in response to the initial complaints. I guess I'm asking for a little bit more detail

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behind what you would consider a reasonable response on the part of the registrar to be for the purposes of that evidence.

ZUHRA SALIJANOVA:

So, the contract describes the reasonable steps but this is up to registrar to set its own and type abuse policies internally and how they handle their abuse report they receive.

So, ICANN does not dictate what exactly meaning reasonable steps. This is up to registrar to define its own internal reasonable steps. Reasonable steps can be verification of WHOIS information for example. Or if it's illegal pharmacy, they can request for the license for selling the certain products or forwarding the reports to the registrant to make sure it's communicated and provide some certain requests for some information from registrant or remove some information on the website. But again, this is not what ICANN requests from registrar. It's up to registrar to define it. I hope this answers your question.

BRADLEY SILVER:

Thanks. Yes, that does help. I mean I also noticed in the Annual Report that you mention there's a minimum requirement that registrars would at least have to forward the complaint to the registrant. So that is something that you would verify before you



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dismissed a complaint prior to the first notice. Do you confirm that?

ZUHRA SALIJANOVA: If the registrar provides us the evidence of the steps it took in response to abuse complaint, we do close these tickets and we find it sufficient. We validate it accordingly before we close it. Yes.

BRADLEY SILVER: Okay. But that will be after the first notice. Yes, right.

MAGUY SERAD: Bradley, I have pulled up here on the slides what does the complaint processing, what we look or and how we look at it. And these slides are published and there are program with the registrar area, if you want to refer to it in the future also.

MAXIM ALZOBA: In my capacity of registrar this time and it's R01. And the question is they have a rating of top complainants. And do we have a ratio of cases which were successful or which were closed because of lack of information they provided comparing to the requirements or something like that. Could you answer, please?

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JENNIFER SCOTT: Hi, Maxim. So, we do not have the complainants ranked similar to how we have volume of complaints ranked by largest to smallest volume. Our ticketing system does keep track of who reporters are. But at this time, we're not able to pull data out that shows I guess the reporter's highest volume by reporter.

UNIDENTIFIED MALE: Are they marked as individuals all of them despite them been working for the same company, for example? Because we have a feeling that one particular company which is in business of protection of pharmacy online businesses is generating way too many cases in comparison to successful cases.

And our experience of interaction with them including with providing them with detailed instructions on how to review the case according to local legislation like forbidden substances, whom to complain, agency to send things, they don't give any result. They refer to the situation that they think that the proper jurisdiction for the contract is the United States and they think that they regard it to be trust sub-party which they are not in local national system. Thanks.

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JENNIFER SCOTT: Yes. So, the way that reporter information is held within our ticketing system is by e-mail address. We also ask for name and other types of reporter information. But in order to track the information that you're suggesting would most likely be based off e-mail address at this time. And, of course, individuals can use different e-mail addresses to submit complaints by the same person.

So, it would be difficult for us to make that trending analysis amongst other e-mail addresses for either the same person or for different people on the same organization.

MAGUY SERAD: Reg Levy.

REG LEVY: Thanks. This is Reg Levy from Minds + Machines. KPMG does your auditing and they're also a registry. So, does that mean that they are exempt from audit or will you be contracting with somebody else to audit them?

YAN AGRANONIK: No, they're not exempt from audit. And if and when at some point we'll audit them, then we'll be doing it in-house. And we're capable of doing that. Another point I want to make is when

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KPMG has a conflict of interest with a registry or registrar that they provide other services for, let's say financial audit, then we also do the audit in-house. Even during the current round where we're doing one of the audits completely in-house.

MAGUY SERAD:

We have a remote question from Steve Metalitz: "I want to make sure I understand the response to Bradley's question. If registrar provides evidence of what they did in response to complaint, we close the complaint. Is that correct? Regardless of what registrar says, it's just done."

ZUHRA SALIJANOVA:

So, each response that's received is being reviewed by the staff. And the responses from registrars were raised. And we review it and process it on case by case basis. That's why it's really hard to say how and what and why we are closing those tickets but we need to review those documents provided. But if not sufficient, we are proceeding with the process.

UNIDENTIFIED MALE:

[inaudible] from [inaudible] Association. We've spent a lot of time in contractual compliance just to show that we comply. It's really a big effort. And one of the things that strikes me knowing

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retrospect with how much work that is. And of course, the work that we put in there, we know that somebody at ICANN has also put quite a bit of work into that.

And I cannot help but feeling that this is totally futile with respect to what really happens. I have in front of me a case, an abuse case which did not show up on any radar. And I know in specific case it's two years old. It disappeared after that.

But I now this was large scale. It was hundreds of thousands of identical cases done deliberately. It looked as if it was to a computer. It looked as if it was a standard compliance registration. To the human eye, you could actually see that this is pure abuse but it wasn't one, it wasn't two, it wasn't ten, it was hundreds of thousands.

In fast flux which leads me to a question, is there any data scientists on the contract with Compliance? Is there any program to use the kind of things that are now our daily lives, robots analyzing data as opposed to people however highly trained? It's simply hopeless. We cannot do this by hand. We need machines to help us

MAGUY SERAD:

Thank you for your question. So, on the compliance aspect as many of you know especially when it relates to abuse, it's based

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on submissions we receive, that's the reactive approach. However, also ICANN has other venues where abuse is being addressed. And I see we have our CTO in the room with us. And, Krista, also if you want to talk a little bit about the ESRS that we receive.

DAVID CONRAD:

Hi. David Conrad, ICANN CTO. So, one of the efforts that we're undertaking within my group is open data initiative. And one of the intents of that is to do exactly that to start applying big data open data type approaches to various data sources within the organization.

One of the theories behind the open data is that if we make data available, then other folks can extract that data and do interesting things with it and find interesting patterns and the intent of that is to give the community more information in order to facilitate the policy development and things like that.

In the context of compliance, Jamie who is the new head of Compliance, and I have been talking about how we can apply the same techniques and tools into the compliance data sets. Obviously, there are potentially more constraints in terms of what we can make public and how that data can be made available and at least in the context of open data.

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But it is something that we're currently exploring. And the larger issue is just prioritization and resource allocations. That's obviously something that's of great importance to the community. But there are also many other projects that are also of great importance to the community.

UNIDENTIFIED MALE: [inaudible] again from [inaudible] Association. It took me a lot of time to think of one follow on question to the answer. In this specific case I'm looking at, it was a case that certainly did pop on a radar somewhere, namely, it popped up on the Google's radar eventually because the design, all these things were being done to poison the search engine.

And of course, Google and other search engines, they have entire teams to take care of these attempts at poisoning the search engines which attempts usually succeed for a short period until they're actually been taking down by that. But I was wondering if there could be any collaboration with search engines in terms of the experience that they make with large scale abuse on domain names knowing that the search engines would not want to share this publicly because then it would go to the hands of the bad guys. So, they have to do this somehow confidentially.

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YAN AGRANONIK:

So, my team which comprise of the that research and the security, stability, resiliency team are members and associates with a large number of trust related networks and have through those trust networks access to a various data feeds many of which are confidential. And we use that in the context of trying to understand behaviors of the DNS and other things.

We have been involved in discussions with a number of search engines and content providers who are subject to abuse who come to you quite frequently and ask us to help them the context of understanding what ICANN policies and processes are.

And in the context of the research group and the SSR group, yes, we are definitely working with those folks. They collect vast amounts of data. They have very interesting statistics and are able to identify various specific patterns. And frequently, they are informing also those patterns and allowing us to also investigate them.

At this point in time, there is no direct interaction between Compliance and Research SSR but that's something that we're working on. Jamie and I are actually trying to figure out best ways that we can interact together and still maintain the relative independence and separations as necessarily defined by policy.



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So that is something we're very interested in looking into particularly because from research side, there's some really amazing stuff going on out there. But we're also looking towards the community to help us to understand what the community wants us to do in that context.

MICHAEL FLEMMING:

I'm just curious what efforts are being taken internally within ICANN to better have cross department communication in regards to a lot of compliance notifications because I've recently been receiving a lot of compliance notifications that probably could have been avoided if there had been better internal communication within ICANN in regards to a certain matter or things that were a bit perhaps unwarranted if a bit more research could have been done in regards to past records and how they were dealt with.

So, I'm just wondering what steps are being taken in regards to that internal communications and, for example, before Compliance submits a complaint, do they actually look at past records? This relates to the annual certification to see if records were turned around and how they were submitted in the past just because I've seen some of those that are unwarranted or just didn't make sense. But I'm just curious on that point.

JENNIFER SCOTT:

Yes. Thanks, Michael. So, staff does look at all the resources available to it within ICANN organization. As you probably know today, the compliance ticketing system is separate from the registries portal that holds cases. However, our staff on the Compliance Team does check those cases to make sure there's not something that's open and relevant to any potential compliance issue. And if there is something open and relevant, we don't want to duplicate efforts. So, we'll make sure that we're talking with our cross functional colleagues and getting the scoop on whether or not that's something that should hold the compliance ticketing from ever going out or as affecting and are already open compliance ticket.

In terms of the example you gave for annual certifications, the team does look at past tickets, for example, the signatories to make sure that they weren't already previously authorized. Sometimes the information we see isn't always complete. So, it might warrant another follow-up question. This year on something like that annual certification just to get clarification and close the loop because we do have staff in global locations, Los Angeles, Singapore and Istanbul. And so sometimes it warrants that clarification just to make sure that we're all on the same page and that we've got complete information.

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[MICHAEL FLEMMING]: I'll be quick. Krista, you want to jump in? I'm sorry.

KRISTA PAPAC: Thanks. I just wanted to add something to what Jen said or to further clarify. And it's more because I worry about you, guys. So, as Jen said, they will check that GDD Portal for cases to see if there's things that might be relevant. And they try to work to not have you guys to have duplicate efforts. But I want to make sure it's clear that if you are dealing with compliance ticket or you have a compliance inquiry that you should not be going through the GDD Portal to deal with that, you still want to follow the compliance process and make sure that you're responding to those tickets. And conversely, if you need a request or something along those lines, those still of course go through the GDD Portal.

But while they do check so that they make it easier on you, if you're not following the Compliance process and responding to their inquiries, it ends up making it actually much harder on you. So, I just want to remind everybody of that.

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[MICHAEL FLEMMING]: Sorry. I'll be quick. Just that shared ticketing system, like an SRS for ICANN, I think would do wonders for a lot of us. So just a suggestion. And another really quick one is the complaints that are being handled globally now and the Singapore hub and the hub in Istanbul, thank you, do you have any figures or statistics about which hub is handling how many cases, for example, and what the turnaround rate for those might be.

MAGUY SERAD: Thank you, Michael. This is Maguy for the records. We do not keep statistics by hub. We keep statistics by staff members but also mostly by tickets because the turnaround time is one of the SLAs we work on. And the statistics is overall for that month. But for internal performance measurement and also opportunities whether for learning or work balance or something like that, we do have those statistics to help us support staff to be productive but also successful at what we do but not in the sense you're asking about by hub.

Because being an APAC region or a mere region does not mean you're only focused on that region because they also provide global work and global responses. And the team is cross functionally trained and able to support each other and work together because it depends where the volume and where the

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issues are coming from. But we follow the same approach and methodology and there is a lot of collaboration between us.

MAXIM ALZOBA:

Just small suggestion. In the forum where complaint you sent or in the recommendation how to send a complaint, I'd recommend to make different ways of complaining for the persons or the employees of the companies but especially where they act in their personal capacity and for the companies.

So, you see that, for example, some company employee complains about the particular fact and they will be in database and you will be able to see who generates the lot. And also, you will be able to track who has the worst ratio of open cases versus useful open cases because it will allow to avoid situation where they use multiple e-mail addresses from some free mail service so you cannot track them.

And they refer to the experience of the company, not of the person because they provide you with the evidence given from the company. And it's not the person if they have access to the evidence from some particular company. So, I'd recommend to have different ways of complaining for companies and persons and employees if they act in personal capacity like they can't stand something being not right. Thanks.

MAGUY SERAD:

Thank you, Maxim, for the recommendation. I think we probably need to have a little bit more discussion on that. And as you heard me say at the beginning of this session, requirements for more granularity of data is a big topic at ICANN. And it's mostly led now by CCTRT. But if there are additional granularity of data that is relevant to a stakeholder group versus an individual, let's voice it together and make sure that you bring forward a proposal that's inclusive of that stakeholder group instead of just a Maxim proposal, please.

As much as we'd love to cater to everybody in the audience, we want to make sure we're catering to the bigger ICANN community. And anything that is being requested from a data perspective, we are going to do our best once we understand and we're able to accommodate that need is to make sure it's publicly available to everybody as we try to deal with all of our compliance data that's being published today.

So, I encourage either via a Constituency group, if not through the CCTRT group, bring forward recommendations and suggestions and let us know who we can work with to validate and define those requirements further. Thank you.

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I know the questions have been coming mostly at us. This is a forum where I was hoping to facilitate dialogue between everybody else inclusive questions going to contracted parties, to the audience. Any questions from anybody from the audience to each other?

I mean we have representatives from IPC, we have ALAC, we contracted party. We have different. I've seen [LEA] in the room, law enforcement. In the past, this dialogue has helped clarify a lot of the questions on people's mind.

Without putting any contracted party on the spot, you all heard questions from Bradley about handling abuse complaints. Does anybody want to maybe provide a contracted party perspective of review in an abuse complaint? Okay. Not today. That's all right. So, we're going to wait couple more minutes if there are no additional questions.

BRADLEY SILVER:

This isn't as much of a question as possibly a suggestion. It just occurred to me. But is there any discussion or thought around linking Compliance activities to an impact on the underlying harm which the contractual provisions themselves were meant to address?

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We have spoken a lot about getting data, about Compliance itself in relation to the agreements which is something I guess that maybe one can think of as a grain, a bit of a vacuum but just thinking more globally in long term. Is there any thought of discussion around a broader look at how Compliance itself is impacting the underlying goals of the contractual provisions themselves?

JAMIE HEDLUND:

Thanks, Bradley. I think that's an excellent topic for this ad hoc working group. So, you're signed up to chair the first meeting. Thanks.

UNIDENTIFIED MALE:

I have a question that's trying to address one of the foundations just one story below Contractual Compliance which is actually where the reporting takes places. And in one of these cases, we have to report as a service provider on behalf of a customer. So, it's already a problem that the report is actually generated not by, for instance, a given registrar, a registry or whatever. It is by a service provider on behalf of someone.

And in the case of a name service, for instance, there is typically a name service provider, might still be separate from other service providers. But then there has to be a single source of the



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report that goes through ICANN. However, in optable situation, we would have a biodiversity. More than one different provider would be doing TLD name service for instance for a given party. However, ICANN will choose to receive report from one, not from two.

So, I was wondering if we could try to work on the model where actually for a given TLD in the case of a TLD name service, more than one party could be sending reports as to what the traffic has been to ICANN as opposed to having to aggregate those report first and only send the aggregated report to ICANN and in doing so, defeating part of the biodiversity objective that we're trying to achieve.

MAGUY SERAD:

I'm sorry. Which report are you referring to? Is that what David was talking about earlier or is this a Compliance specific report as a contractual obligation report?

UNIDENTIFIED MALE:

It is a contractual obligation to report about what has happened in the registry, for instance, what has happened, what kind of traffic has been observed and on a certain resource such as TLD name servers.

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And the idea underlying this reporting is there's only one source that can report for a given TLD. But if you're going to be well-organized in the way that we want to be secure and have maximum resilience, ideally, we would have backup providers. And some of the staff goes to the original. Some of the staff goes to the backup as it is usually the case for TLD servers. There's not just one, there's sets of them.

And ideally, it wouldn't be just one party we deal with. We would have a given TLD operator would have two or three operators independent of one another to actually do the service. This is actually the traditional way of doing things. This is the way TLD servers handled in the past.

And because of the way Contractual Compliance and [escalating] monitoring was set up, there has been a change, and a decrease in quality with respect to biodiversity because we have to have to send the report from one source. And then it was looked as if you had one machine that was off, then you were supposed to be in a bad position even though you actually had increased your availability.

FRANCISCO ARIAS:

This is Francisco Arias from ICANN Organization. If I understand your question, I think you're suggesting that ICANN allows for

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the name in the case of a TLD that has multiple DNS providers, for example, to allow the different DNS providers to provide their reports as opposed to having the registry operator or someone else to aggregate the information before being submitted to ICANN.

Okay. So, you're nodding your head. So that's an interesting suggestion. I think in other context, in our project, we have been talking about potential improvements that can be made in the interaction that ICANN has with the RSPs. There is currently no specific plan on how to address that. But I would think perhaps you and I can talk offline to see how the best way to channel this request. But thank you.

MAGUY SERAD:

There's a mic if you have a question. And we have four minutes before the GNSO comes back into their room.

UNIDENTIFIED FEMALE:

I was just wondering if Jamie could give us a little more information about the Ad Hoc Working Group that you mentioned.

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JAMIE HEDLUND: Sure. There's not a whole lot more to give. We're still trying to gather feedback from the community about how to structure it, how often it should meet, that kind of thing. But it is intended to be across the entire community and a place for discussion, obviously not for policy development or anything like that.

But it just seems that there's a lot of discussion about contractual compliance and consumer safeguards in siloes and it might be helpful periodically to bring that all together to effectually change somewhere else. Thanks.

UNIDENTIFIED FEMALE: I support that and would be interested in learning more about it as it develops.

JAMIE HEDLUND: Great. Thank you.

MAGUY SERAD: With this, we conclude our session. Thank you, everybody, for joining us. Have a great rest of the day.

**[END OF TRANSCRIPTION]**