

The background of the image is a photograph of a city at dusk or dawn. On the left, several tall, modern skyscrapers with glass facades are visible, some with lights on. In the center, there is a large, ornate fountain structure. On the right, a large, illuminated archway with a dome on top is visible. The foreground is filled with colorful flower beds in shades of red, pink, and white. A paved walkway leads from the bottom center towards the archway. The sky is a mix of orange, pink, and purple.

ICANN
ANNUAL GENERAL

60

ABU DHABI

28 October–3 November 2017

Registrar Session

ICANN Contractual Compliance



ICANN 60
01 November 2017

Agenda

- ⦿ Brief Update Since ICANN 58
 - ⦿ Registrar Compliance Update
 - ⦿ Performance Measurement & Reporting Update
 - ⦿ Contractual Compliance Audit Update
- ⦿ Questions & Answers
- ⦿ Appendix for your reference
 - ⦿ Policy Update
 - ⦿ Additional Audit Slides

RAA Lessons Learned Summary

1

Transfer Policy: Prior Registrant Confirmation

Registrar's use of additional contact information to obtain Prior Registrant confirmation

2

Registrar Data Escrow Obligations

Complying with the required Terms, Format and Schedule

3

Reminder: Annual Certificate of Compliance

Complying with requirement to submit Annual Certificate of Compliance

1. Transfer Policy: Prior Registrant Confirmation

Footnote 3 of Transfer Policy

- ⦿ Complaints from registrants unable to complete Change of Registrant (COR) due to invalid registrant email address
- ⦿ Registrars are denying COR for lack of Prior Registrant confirmation
- ⦿ Footnote 3 allows Registrars to use additional contact information on file when obtaining Prior Registrant confirmation
 - ⦿ Not limited to publicly accessible WHOIS
 - ⦿ Examples: Call registrant telephone number or use alternative registrant email address on file to obtain confirmation
 - ⦿ Optional; at Registrar's discretion
- ⦿ Contractual Compliance may ask Registrars if they have used any additional registrant contact information to obtain confirmation

2. Data Escrow Obligations

Complying with required 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)
- Approved Registrar data escrow providers:
<https://www.icann.org/resources/pages/registrar-data-escrow-2015-12-01-en>

2. 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 both privacy/proxy and underlying customer data (only one data set is insufficient)
- ⦿ Incomplete header row (missing ICANN required fields)
- ⦿ Deposit file is empty or only contains header row
- ⦿ Deposit file name is incorrect
- ⦿ Handle file (if required) is missing from deposit
- ⦿ Not comma de-limited
- ⦿ Full file and handle file contains no header row

3. Compliance Certificate Requirements

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>

Performance Measurement & Reporting Update

Enhancing Transparency in Reporting

Enhanced Monthly Reporting

- ⦿ Additional metrics based on recommendations from Competition, Consumer Choice, and Consumer Trust Review Team draft report and Governmental Advisory Committee's Copenhagen Communiqué:
 - ⦿ WHOIS Inaccuracy complaint categories: syntax, operability and identity
 - ⦿ Domain Name System (DNS) abuse complaint categories: spam, pharming, phishing, malware, botnets, counterfeiting, pharmaceutical, fraudulent and deceptive practices, trademark or copyright infringement and abuse contact
- ⦿ Additional metrics on subject matter of Transfer complaints relevant for Transfer policy review and evaluation
- ⦿ Monthly dashboards and Learn More on additional metrics published at <https://features.icann.org/compliance/dashboard/report-list>

Enhancing Transparency in Reporting (cont'd)

New Quarterly and Annual Reporting

- ⦿ New quarterly reports replace metrics provided at prior Annual General Meetings and Community Forums during Compliance Program Update session
- ⦿ New annual reports provide a calendar year view into compliance landscape
- ⦿ Reports include:
 - ⦿ Registrar complaint types by legacy gTLDs and new gTLDs
 - ⦿ Registry Operator complaint types by legacy gTLDs and new gTLDs
 - ⦿ Formal Resolution Process by enforcement reason
 - ⦿ Complaint volume by reporter category
- ⦿ Reports are published at <https://features.icann.org/compliance/dashboard/report-list>
- ⦿ Additional enhancements underway to provide details on complaints related to Category 1 safeguards and Public Interest Commitments

Contractual Compliance Audit Update

Registrar Audit

Registrar Data Escrow Proactive
Monitoring

Audit Program Update

- ⦿ ICANN typically conducts two audits each year for both Registrars and Registry Operators in January-February and July-August

Since ICANN 58

- ⦿ September 2016 (Registrar) and January 2017 (Registry Operator) audits were completed in June 2017
- ⦿ Registrar and Registry Operator audit rounds were launched in September 2017
 - ⦿ Audit plans were updated based on lessons learned during most recent audits
- ⦿ Added information on icann.org to summarize completed audits and top deficiencies
- ⦿ Effective 1 November: ICANN pre-audit notifications will be sent to auditees only

Registrar Audit Update

Registrar Accreditation Agreement Audit since ICANN 58

- ⦿ September 2016 audit:
 - ⦿ 55 Registrars from 21 countries
 - ⦿ Completed June 2017
 - ⦿ Report published at <https://www.icann.org/en/system/files/files/compliance-registrar-audit-report-2016-20jun17-en.pdf>

- ⦿ September 2017 audit:
 - ⦿ In progress – audit phase (documentation review)
 - ⦿ 59 Registrars from 21 countries
 - ⦿ 26 Registrars subject to full audit
 - ⦿ 33 Registrars subject to limited audit to verify remediation of previously noted deficiencies
 - ⦿ Estimated to be completed in February 2018

Registrar Data Escrow Proactive Monitoring

- ⦿ Data Escrow Agent conducts manual review of deposits as requested by ICANN in cases where:
 - ⦿ Registrar receives 3rd or Escalated Notice (potential for breach/termination that requires bulk transfer of domains)
 - ⦿ Number of domains escrowed differs from number of domains under Registrar's management, as reported by Registry Operator
- ⦿ Since ICANN 58, more than 100 data escrow reviews requested and performed by Iron Mountain
- ⦿ ICANN works with other data escrow agents approved by ICANN as needed to perform similar manual reviews.
- ⦿ Contractual Compliance is actively participating in the Designated Agent for Registrar Data Escrow Services Request for Proposal process
<https://www.icann.org/news/announcement-2-2017-08-17-en>

Questions & Answers



Send compliance questions

To: compliance@icann.org

Subject line: ICANN 60 Registrar Session

The ICANN 60 presentations are available at:

- The ICANN Contractual Compliance outreach page at this link <https://www.icann.org/resources/compliance/outreach>
- The ICANN 60 Schedule page at this link <https://schedule.icann.org/>

Appendix

Policy Updates

Additional Audit Slides

Policy Updates

Policy and Working Group Efforts - Registrar

Actively contributing to Registrar-related policies, Working Groups and Implementation Review Teams

- ⦿ Translation and Transliteration of Contact Information
- ⦿ Privacy and Proxy Services Accreditation Issues
- ⦿ Thick WHOIS & Registration Data Access Protocol (RDAP)
- ⦿ Security, Stability and Resiliency Review Team related to SSR1 Recommendation #10
- ⦿ Security, Stability and Resiliency of the DNS Review Team 2
- ⦿ WHOIS Review Team

Additional Audit

Contractual Compliance Audit Phases



- **Pre-Audit Notification** is sent to contracted parties in scope of audit round (auditees) informing them about upcoming audit, audit start date and scope of audit.
- **Request for Information** Notification is sent to auditees and includes list of required documents. Negative confirmations sent to all contracted parties not under audit.
- **Audit Phase:** Documentation and data are collected and reviewed by ICANN audit team.
- **Report Phase:** Audit reports are issued by ICANN audit team and sent to each auditee.
- **Remediation Phase:** Auditees that received reports with initial finding(s) work and collaborate with ICANN audit team to address finding(s).
- **Final Report:** Final audit reports are issued upon completion of audit and successful remediation of any noted deficiencies.

Contractual Compliance Audit Program Materials

<https://www.icann.org/resources/pages/audits-2012-02-25-en>

- ⦿ Registry / Registrar audit plans
- ⦿ Audit Communication Templates
- ⦿ Audit Program Frequently Asked Questions
- ⦿ Audit Outreach sessions by calendar year
- ⦿ Audit Reports by calendar year
- ⦿ Past Audit Program plans