KOBE – Contractual Compliance Program Update
Tuesday, March 12, 2019 – 11:00 to 12:00 JST
ICANN63N64 | Kobe, Japan

ROGER LIM:

I think we'll start. Hi, everyone. My name is Roger Lim, for the record. I am with the Contractual Compliance team. I'm based in Singapore, representing the APAC team here in Kobe. On my most left corner here, we have Charmaine Lim and then Bryan Tan. Charmaine Siew. We have Jamie Hedlund and Jennifer Scott from the U.S. offices.

So we're gonna do a quick program update, and we will have a couple of slides to run through to give an update since ICANN 63. And we'll start with just a quick agenda, which includes registry/registrar update, some outreach updates, and some other updates. We'll follow that with a Q&A, but to start us off, we'll have Jamie talk a bit about the role of compliance team.

JAMIE HEDLUND:

Thanks, Roger. So, I see in the room there are few people who are familiar with the role of Contractual Compliance. But for others who may not be, I thought it might be helpful to read about my connection error – no. To go over what it is we actually do, what our main purpose is.

Contractual Compliance plays an important role in the implementation of community policies. So as most people know, the ICANN multi-stakeholder model is a bottom-up model of policy development that eventually makes its way to the board, is adopted by the board, and then implemented by ICANN. Some of those policies, many of those policies, eventually become incorporated into contractual agreements that ICANN Org has with domain name registries and registrars. Our primary role is to ensure that these agreements are adhered to by the registries and registrars. As I said, they contain the community's policies. They also contain other provisions related to preserving the security and stability of the domain name system.

By enforcing these agreements, we demonstrate to the community and to the world at large that we are upholding the policies and doing our part to help preserve the stability and security of the DNS. In doing that, contributes to the overall legitimacy and credibility of not just ICANN Org, not just our agreements, but really the whole multi-stakeholder model. If we fail to enforce these agreements, then a big part of that model crumbles. So, with that, I will turn it back to Roger to go through the updates.

ROGER LIM: Thank you, Jamie. Just going through some of the registry and registrar compliance updates since ICANN 63. First thing on the agenda is the 2018 annual certifications. So, basically, January 20th was the annual deadline for some registries and registrars to provide certain certifications. So, currently, we are reviewing the certifications. We've got about 20 registrars that receive compliance notices regarding the certifications and about 750 TLDs are supposed to provide certifications, and these are currently under review. So, that's the update on the certifications at this point.

For temporary specification, as you all know, the temporary specification became effective 25th of May, 2018. We are currently following and providing input to the EPDP process and collaborating with the contracted parties regarding this. We're closely monitoring all the complaints that are related to this. I wanted to show that we don't actually create a new complaint type for the temporary specification. We actually include that in the current, existing complaint types that we have.

So we have … What do you call it? So, when a complaint requires un-redacted information, we will request that if possible, and we also wanted to provide an update on the statistics on this. So, in total, since 2018 May, we've received 716 complaints. This is received. We didn't send all 716 to contracted parties. We basically received a total of 716. Majority of these

were closed after educating the reporters on the requirements. Approximately 30 registrars and 5 registries received inquiries or notices regarding their temporary specification. So, these are some of the notes we had on the statistics. I wanted to share that with everyone.

These are examples of some of the complaints that we've received regarding temporary specification. For example, first one says reporter believes that the registration data is missing from the public WHOIS. Some of them are saying that they are the domain owner, and they want their registration data to be displayed, things like ..

So, WHOIS ARS. So, regarding the WHOIS Accuracy Reporting System, or WHOIS ARS, the complaints generated prior to 25th May 2018 have been put on hold. The ARS methodology is currently being updated to align with the requirements of the temporary specifications for gTLD registration data. We will resume processing newly create complaints, but at this point, the old ones that we have are on hold. I wanted to provide that update as well.

Outreach. So, since ICANN 63, we've done some outreach activities. We've done a DNS forum outreach in Dubai as a compliance team. We've also done outreach with registrars and resellers at NamesCon in Vegas earlier this year. We've also done

one in Sweden last year, and there were a couple of audit outreach sessions via webinar in November last year as well. So, if you're interested in learning about the compliance outreach activities, you can go to the link provided on this page, and the decks are available. They will be provided there as well for your downloading and review.

Audit. So, some of you may be aware the compliance team launched a DNS infrastructure abuse-focused audit for over 1,000 TLDs in November last year. The objective was to assess whether, and to what extent registry operators are complying with DNS infrastructure abuse obligations and public interest commitments. So, we've published a blog on this November in 2018 as well. And we're currently collaborating with the registry operators on this.

So, this is the part where we … I talked about where we're collaborating with the registry operators, some of the stuff you are going through right now with the registry operators. We've actually met with some of them during KOBE to discuss some of the questions that have come up regarding the audit as well. So, this is ongoing at this point. We'll probably try and complete this activity before June this year.

Any questions regarding any of the slides so far? It's been pretty brief, but just to give a high overview before we go into Q&A,

which is the main topic, or the main… [Reg], you had something?

REG LEVY: Sorry, I was confused about whether we were going into Q&A or not.

ROGER LIM: Yes, it's Q&A.

REG LEVY: You said earlier that January 20th was the deadline for some registries and registrars to submit compliance certifications. What about the other registries and registrars?

ROGER LIM: This would be for registries that have the code of conduct requirement.

REG LEVY: Thank you. And I have a question about slide number 13. You indicated that the WHOIS ARS complaints that were received or not yet processed by May 25th have been put on hold and that in the future, you will resume based on newly generated complaints, presumably after your methodology has been

updated. Will you also be going back to the pending and on-hold complaints?

ROGER LIM: Yeah, it's unlikely we'll go back to those old ones, because the data is pre-temporary specification.

REG LEVY: Excellent, thank you. With regard to the audit – this is on slide 16 – you said that for registries, you're requesting the five-most recent security threats reports and then compare that to blacklist and spam reports. But to me, those are not the same thing, and so if you asked me as a registrar for my security threat reports, I would for sure hope that they did not appear on any spam list. So, can you help me square that?

JENNIFER SCOTT: Hey, Reg, this is Jennifer Scott. I think there's just a misunderstanding there. So, in the registry audit, we're asking registries to provide their security threat monitoring reports that are required under Specification 11. And then what we're doing is comparing the data that's produced in those reports to data that has been collected by ICANN from reputation service providers, which we've sometimes called blacklists. And so we're looking at the delta between those in order to give registry

operators a data point for possibly making their monitoring a more robust system.

REG LEVY: Thank you.

TOM BRACKEY: Hi, thanks. This is Tom Brackey, for the record. I have a question regarding registry compliance certification that you had up there on the first slide. I believe you mentioned that in January, I think it was, that certain registry operators or registry operators that meet certain conditions are required to certify compliance annually. And I believe the process by which that occurs, having been on the receiving end on a number of those requests, is that all the registries are required or asked to please provide the three different certifications that are requested. And for clarity, is ICANN seeking substantive responses from all registries, or who received the notices, or is it up to the registry to determine for itself whether or not the request is applicable?

JENNIFER SCOTT: Thanks for the question. So, I believe our Global Domains division sends out reminders towards the end of the year to all registries to let them know that this deadline is coming up. And within those reminders, there's a description of the three types

of annual certifications that are possibly required to be submitted. But it's not intended to be asked that all three of them are submitted. The registry operator hopefully should know which one applies to their TLDs. The three types are Specification 13 – so if there's no approved Specification 13 for that TLD, that one would not apply.

The other one is an exemption to the code of conduct. Again, that would be something the registry operator would need to have already been approved by ICANN in order for that certification type to apply.

And then the third one is compliance with the code of conduct and Specification 9, and that one only applies if the registry operator has a registry-related entity that's also a registrar or a reseller.

And so there are some registry operators that don't fall into any of those buckets, and so in those cases, a certificate is not required at all. And then we do see many registry operators who are unfamiliar with which type applies to their TLD, and so they submit all three. But when we see that, we've been trying to educate them. That's not necessary. You only need the one that applies to the particular TLD for the year that's being certified.

TOM BRACKEY: Thanks for that clarification. I'll just say from personal experience, the reminders tend to require running through analysis, because you get a request in the form of, "Hey, don't forget to file your compliance certificates." And then you need to run through on behalf of the various registries and make a determination. It might be more helpful if the reminders were targeted to registries which are, in fact, required to make the certifications.

ROGER LIM: Thanks for the feedback. We'll provide that to the GDD team. Any other questions?

JAMIE HEDLUND: All right. Well, thank you all for joining. Just to follow up a little bit on the last question, if anyone has questions, concerns, complaints, compliments for ICANN compliance, they can always send them to compliance@icann.org or to any of us. So please reach out if you're running into any questions or issues. Thanks.

ROGER LIM: This concludes our session. Thank you everyone for attending.

[END OF TRANSCRIPTION]