Contractual Compliance

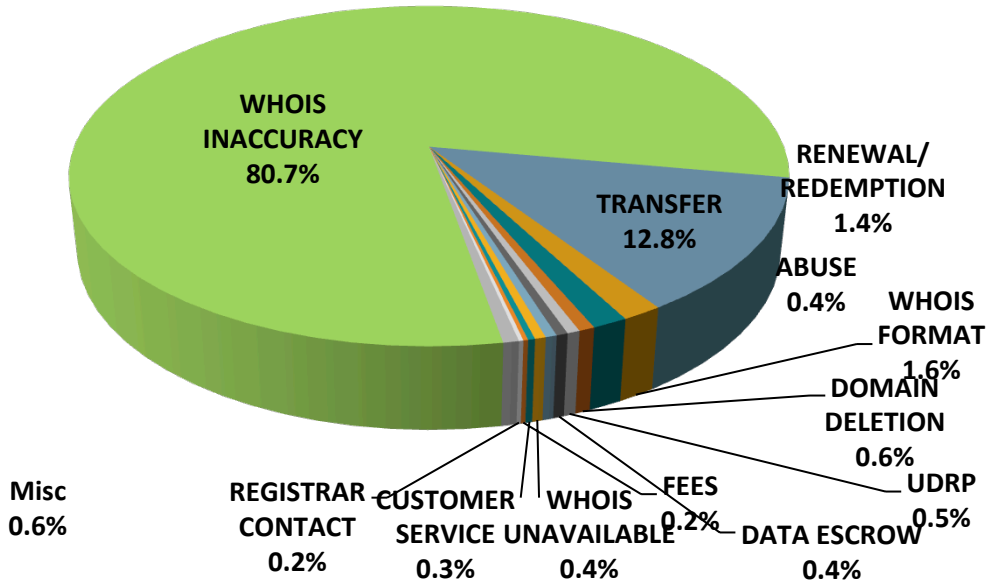# ALAC Meeting

Tuesday, Jun 24 2014

ICANN

Contractual Compliance Update Since ICANN 49

- Ongoing efforts and alignment on 2013 RAA and the new Registry Agreement

- Launched a quality process to periodically confirm compliance for suspended domains related to Whois Inaccuracy complaints

- Contributed to policy and working groups

- Completed Year-2 Audit Program

- Completed new Registry Agreement Audit plan and Registry outreach

Contractual Compliance – Mar 2014 – May 2014 Registrar Complaint Types
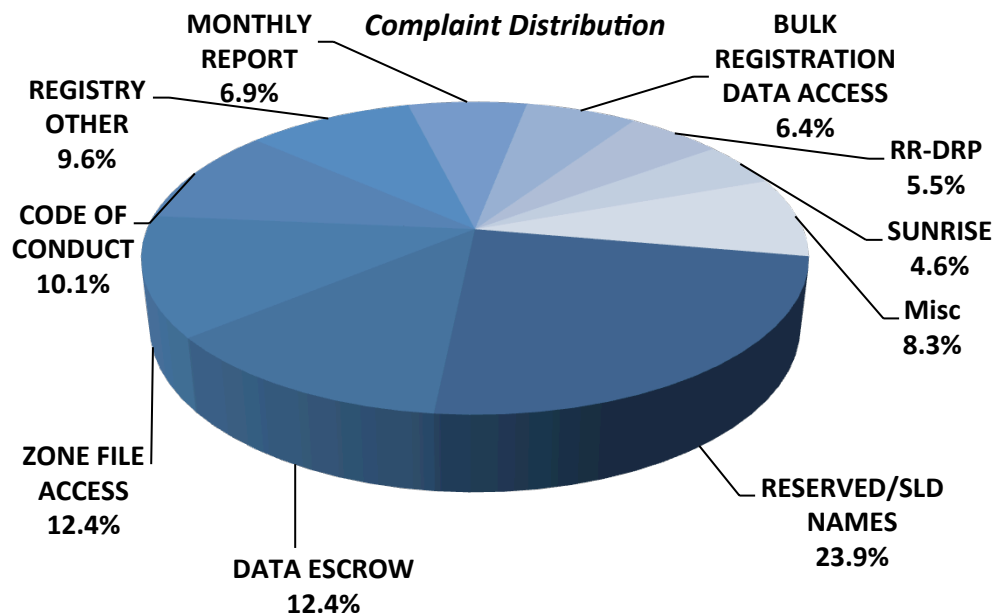
Complaint Distribution

REGISTRAR Complaints	Quantity
ABUSE	53
CEO CERTIFICATION	10
CUSTOMER SERVICE	33
DATA ESCROW	54
DNSSEC, IDN, IPV6	1
DOMAIN DELETION	75
FAILURE TO NOTIFY	10
FEES	22
PRIVACY/PROXY	16
REGISTRAR CONTACT	21
REGISTRAR INFO SPEC	16
REGISTRAR OTHER	8
RENEWAL/REDEMPTION	167
RESELLER AGREEMENT	3
TRANSFER	1,558
UDRP	59
WHOIS FORMAT	189
WHOIS INACCURACY	9,828
WHOIS SLA	9
WHOIS UNAVAILABLE	51
Total Complaints Processed	12,183
Total Complaints Closed	11,364

Registrar TAT	(in days)
Avg TAT 1st Notice	12.6
Avg TAT 2nd Notice	5.6
Avg TAT 3rd Notice	11.2

Enforcements	
Volume Breach	15
Volume Termination	0

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Contractual Compliance – Mar 2014 – May 2014 Registry Complaint Types

Complaint Distribution

Pie chart values:
- MONTHLY REPORT 6.9%
- BULK REGISTRATION DATA ACCESS 6.4%
- RR-DRP 5.5%
- SUNRISE 4.6%
- Misc 8.3%
- RESERVED/SLD NAMES 23.9%
- DATA ESCROW 12.4%
- ZONE FILE ACCESS 12.4%
- CODE OF CONDUCT 10.1%
- REGISTRY OTHER 9.6%

REGISTRY Complaints	Qty
ABUSE CONTACT DATA	4
BULK REGISTRATION DATA ACCESS	14
BULK ZFA	1
CLAIMS SERVICES	3
CODE OF CONDUCT	22
DATA ESCROW	27
MONTHLY REPORT	15
PIC-DRP	2
REGISTRY OTHER*	21
RESERVED/SLD NAMES	52
RR-DRP	12
SLA	2
SUNRISE	10
URS	4
WILDCARD PROHIBITION	2
ZONE FILE ACCESS	27
Total Complaints Processed	**218**
Total Complaints Closed	**197**

Registry TAT	(in days)
Avg TAT 1st Notice	6.6
Avg TAT 2nd Notice	2.9
Avg TAT 3rd Notice	n/a

Enforcements	
Volume Breach	0
Volume Termination	0

* 'Registry Other' breakdown:	Qty
Customer Service	3
Pricing	3
Invalid Registrar	1
Publish Data	1
Miscellaneous	13
TOTAL	21

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2013 RAA Lessons Learned

- CEO Certification: filling out the form correctly

- 2013 RAA Whois Format: complying with standards

- Whois Accuracy: distinguishing verification/validation

- Abuse Reports: establishing investigative processes

- Registrar Information Specification: posting information

- Privacy/Proxy: ensuring separate legal entity

- UDRP: verifying with providers and preventing improper transfer

Whois Inaccuracy Verification & Validation Whois Accuracy Program Specification

- If valid complaint, registrar must verify or re-verify email address of Registered Name Holder ("RNH") and if different, Account Holder ("AH")
- The domain must be suspended or registrar must provide proof of manual verification
- 1st notice response deadline remains 15 business days
- Beginning with the 2nd notice, ICANN will inquire why registrars did not suspend or delete registrations

Abuse Reports Requirements
Section 3.18 of the 2013 RAA

- Registrars must take reasonable and prompt steps to investigate and respond appropriately to any reports of abuse
- Law enforcement reports: can be from any applicable jurisdiction
- Registrars must include abuse email & phone number in Whois output
- Abuse email address must be conspicuously on website, and cannot be a web form
- Registrars cannot require a court order to investigate reports of abuse, unless they inform ICANN of a specific local law or regulation.

General UDRP Issues

- Registrar not responding to verification requests from service providers

- Complexity of matters involving "mutual jurisdiction"

- Complainants not providing information for registrars to update Whois

- Registrars transferring names during proceedings or instead of implementing Decision

➢ Process Improvement Note: in June 2013 ICANN reached out to UDRP providers to instruct them to file formal complaints rather than emailing staff directly.

Deceptive Notices

- Increased complaints for allegedly deceptive transfer and renewal notices

- Emails sent to registrants who never requested transfer or renewal

- Emails require action and ask recipient to contact current registrar or complete transfer/renewal by:

  - clicking on link to complete transfer/renewal

  - obtaining AuthInfo code and unlocking domain name

- Notices may violate RAA and Registrants' Benefits and Responsibilities

Evaluating ERRP Effectiveness

- Initiated by ALAC request November 2008

- Implemented 31 August 2013

- Measure policy effectiveness – ICANN compared renewal/redemption complaints pre and post ERRP

  - Non-compliant registrars remediated and to date, remain compliant

  - 6 of the 152 registrars had ERRP issues during Year-2 audit program

Evaluating ERRP Effectiveness

- Review of Domain Renewal/Redemption complaints from 1 January 2013 – 30 April 2014

- Number of complaints received: pre ERRP = 471; post ERRP = 458

Basis of complaints	pre ERRP %	post ERRP %
Lack of expiration-related info: • No renewal reminders sent prior to expiration	32%	19%
Unable to renew or restore: • Redemption Grace Period not offered • Changed Whois complicated renewal • Registrar unresponsive • Payment issues	43%	21%

New Registry Agreement Lessons Learned

- Trademark Clearinghouse Rights Protection Mechanism Requirements:

  - Allocation of domain names before Sunrise

  - Failure to send LORDN timely

- Abuse Contact Data: Failure to comply with website posting

- Public Interest Commitment: Missing mandatory provision in RRA

- End-User Zone File Access: Delayed response/invalid denial

- Data Escrow: Missing registry operator's notification

- Submission of Monthly Reports requirements

Thank You

Please send general questions:
To: **Compliance@icann.org**
Subject line: **ICANN50 ALAC**

Wednesday 25 June 2014

Contractual Compliance Outreach Session

9:30 – 11:00

Location: Windsor Suite

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