



#ICANN50



Contractual Compliance

Registrar Stakeholder Meeting

Tuesday, Jun 24 2014

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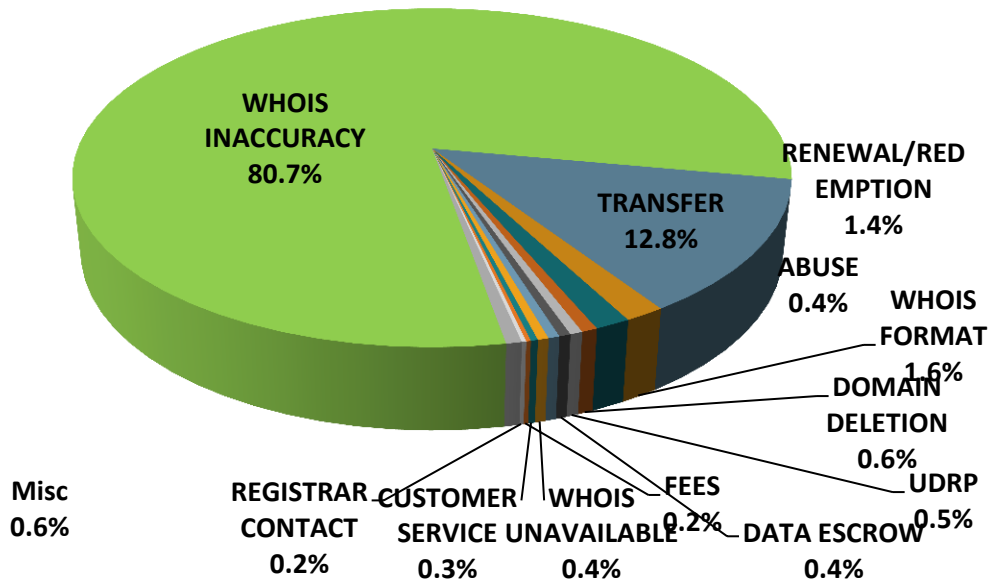
Agenda

- General Update
 - Quality process to periodically confirm compliance for suspended domains related to Whois Inaccuracy complaints
 - Compliance Checks
 - Risk and Audit Update
- 2013 RAA Discussion and Clarification
- Question Answer Session

Contractual Compliance – Mar 2014 – May 2014

Registrar Complaint Types

Complaint Distribution



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

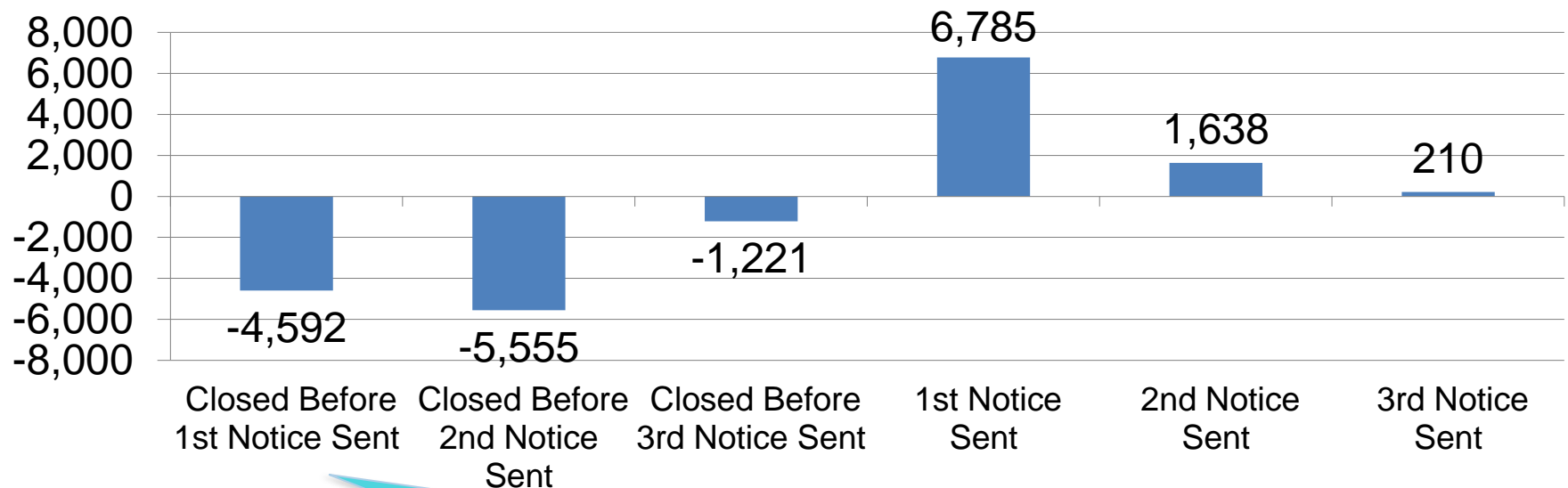
REGISTRAR Complaints	Quantity
ABUSE	53
CEO CERTIFICATION	10
CUSTOMER SERVICE	33
DATA ESCROW	54
DNSSEC, IDN, IPV6	1
DOMAIN DELETION	75
FAILURE TO NOTIFY	10
FEES	22
PRIVACY/PROXY	16
REGISTRAR CONTACT	21
REGISTRAR INFO SPEC	16
REGISTRAR OTHER	8
RENEWAL/REDEMPTION	167
RESELLER AGREEMENT	3
TRANSFER	1,558
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

Contractual Compliance – Mar 2014 – May 2014

Complaints per Notification Cycle

Closure Rate 63%

<i>Complaint Summary</i>	Mar - May Total Complaints Processed	Mar – May Complaints Closed	Mar – May Complaints Remaining Open	Complaints Remaining Open After May 31
	18,333	11,561	6,772	1,926



25% complaints closed before sending to Registrar

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Registrar/Registry Compliance Check

Registrar		Registry
Purpose of Compliance Check	2013 RAA Adoption Renewal of Accreditation Transfer of Accreditation	Amendment of TLDs contracts* Assignment of RA (Transfer)* New gTLD Applicants* Renewal of Accreditation
Breach, Suspension or Termination Notice	Yes/No	Yes/No
3rd Notice and/or Enforcement Notice	Yes/No	Yes/No
Data Escrow	Yes/No	Yes/No
Performance History	Breach, Suspension or Termination within last 12 months Registrar Turnaround Time	Breach, Suspension or Termination within last 24 months Registrar Turnaround Time List of open complaints

* May involve both Registrars and Registry Operators checks

Risk and Audit Program

✓ **Three-Year Audit Program**

➤ **Year-2 of the Three-Year Audit Program**

- launched 14 October 2013
- Selected one third (1/3) of the Registrars and Registries
- Five rollover registrars from Year-1
- Excluded the Year-1 audited list

□ **New Registry Audit Program**

- Audit Program scope developed
- Conducted three outreach sessions with Registries

✓ **Internal Audit**

- Conducted in July 2013 to assess compliance with the process and procedures
- 45 total controls were in scope
- 8 findings were identified and corrected by the September 2013

Year-3 Audit Plan Scope and Dates

- Remaining Registrars and Registries
- Same timeline as Year 2
 - Planning & Organizing Phase : September – October 2014;
 - Pre-Audit (2 weeks prior to RFI) Notice: beginning of October 2014
 - Request for Information (RFI) Notice: mid-October 2014
 - Data Collection: mid-October - beginning of December 2014
 - Audit Phase: December – April 2015
 - Reporting Phase: March 2015
 - Remediation phase: March – May 2015
 - Final Reporting: May 2015
- Same process as the Year 1 follow Compliance 1-2-3 approach

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

2013 RAA: CEO Certification

Section 3.15

COMPLIANCE CERTIFICATE

Date certificate is signed → _____, 20____

Pursuant to Section 3.15 of Registrar Accreditation Agreement (the "Agreement"), dated _____, 20____, by and between the Internet Corporation for Assigned Names and Numbers, a California non-profit, public benefit corporation ("ICANN"), and [Registrar Name], a [Organization type and jurisdiction] ("Registrar"), the undersigned certifies, in his/her capacity as an officer of the Registrar and not in his/her individual capacity, on behalf of Registrar as follows:

← Date RAA signed

The undersigned is the _____ **Officer title** (must be one of the following: Chief Executive Officer, President, Chief Operating Officer, Chief Financial Officer, or the functional equivalent thereof) of Registrar.

Registrar has in place processes and procedures intended to establish, maintain, review, test, and modify registrar policies and procedures reasonably designed to achieve compliance with the Agreement.

To the best of the undersigned's knowledge and belief, Registrar has performed and complied with all covenants, agreements, obligations and conditions contained in the Agreement that are required to be performed or complied with by it for the calendar year 20____. ← Year certificate applies to

The undersigned signs this certificate as of the date indicated under the title.

[REGISTRAR] ← Registrar name

By: **Officer signature** _____

Name:

Title:

2013 RAA: Whois Format (Keys)

Registration Data Directory Service (Whois) Specification

Most common Whois formatting problems (keys):

1. Extra fields/wording (e.g., links to registrar's website, sales information)
2. Legal disclaimer before registrant information
3. Fields out of order
4. Required fields missing
5. Incorrect spacing (e.g., extra blank lines between fields or more than one space after the colon)
6. Not conforming to mappings specified in RFCs listed in Section 1.5

2013 RAA: Whois Format (Values)

Registration Data Directory Service (Whois) Specification

Most common Whois formatting problems (values):

1. Missing country code (RFC 5733)
2. Duplicate country code
3. Registrar requires value for key that is inapplicable to territory (e.g., postal code)

Whois Inaccuracy

Section 3.7.8 & Whois Accuracy Program Specification

- Registrars are required to take reasonable steps to investigate and correct Whois data inaccuracy claims
- ICANN requests:
 - The correspondence with the registrant, including dates and times and means of inquiries (To/From), telephone number, e-mail addresses, and postal addresses used
 - Verification/validation under Whois Accuracy Program Specification of 2013 RAA
 - 2 parallel Validation/Verification tracks for Whois inaccuracy

Common Registrar Issues

Whois Accuracy Program Specification

- Registrar's receipt of ICANN notice starts 15-calendar days
- If registrar has information suggesting Whois data is incorrect, it must contact Registered Name Holder ("RNH") to verify or re-verify email address of RNH and if different, Account Holder ("AH")
- Registrar must demonstrate affirmative response from RNH to verify
- If registrar does not receive affirmative response from RNH within 15 days, domain must be suspended or registrar must provide proof of manual verification
- If registrar does not receive affirmative response from AH, must provide proof of manual verification; suspension not required

Common Registrar Issues

Whois Accuracy Program Specification

ICANN looking for one of three results:

1. Whois updated (within 15 days of inquiry sent to RNH)
 - Registrar provides validation of format of updates and verification (affirmative responses or proof of manual verification) of updates
2. No Response from RNH within 15 calendar days - domain suspended/terminated until registrar has verified information
3. Registrar verified Whois information correct (within 15 days of inquiry sent to RNH) and registrar has provided documentation of verification

Common Registrar Issues

- The 1st notice response deadline remains 15 business days
 - Beginning with the 2nd notice, ICANN will inquire why registrars did not suspend or delete registrations
- ❖ **Whois QA**: Periodic post-suspension review of domains to ensure suspension continues or Whois was updated – if updated ICANN will request verification/validation

Whois Inaccuracy (Verification)

Verification vs. Validation under 2013 RAA Whois Accuracy Program Specification

Verification: to confirm or correct information

- Affirmative response verification: receiving email from registrant email address listed in Whois data
- Manual verification: phone call contacting RNH may be enough depending on complaint (ICANN requires time, date, details of call)

Whois Inaccuracy (Validation)

Validation: ensure formatting is consistent with standards

- “Standards” includes RFC 5322 (email), ITU-T E. 164 (telephone), UPU Postal or S42 addressing templates (postal addresses) or equivalents for territory or country
 - Not websites or map applications (unless relying on standards)
 - Not something obtained from the RNH
- The obligations to verify, validate and investigate alleged Whois inaccuracies under RAA Section 3.7.8 are not interchangeable

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 once designated by a registrar's local government
- 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

Common Registrar Issues

- Confusing Sections 3.18.1 and 3.18.2
 - 3.18.1: anyone can file an abuse report
 - 3.18.2: law enforcement, consumer protection, quasi-govt.
- Registrar must investigate reports
 - Investigative process can vary depending on report
- Court order NOT required to investigate
- No jurisdictional limitations to investigate: law enforcement entities designated by registrar's local government (3.18.2) or any jurisdiction (3.18.1)
- Home page must link to process and email address

Privacy/Proxy Services

Section 3.4.1.5 and Specification on Privacy and Proxy Registrations

- Privacy service: shows actual registrant's name, but with alternative contact information
- Proxy service: is the registrant, and licenses domain to beneficial user
- Registrant must be contactable for both privacy & proxy services
- Proxy service must be separate legal entity from registrar – “self registration” prohibited
- Registrar must verify/validate Whois data as required by 2013 RAA

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

Proposed Implementation of Revised UDRP Rules

- Announcement of 6 month implementation deadline for changes anticipated in November/December 2014
- Lock defined: measures to prevent modification to the registrant and registrar information by UDRP Respondent
- Registrar must lock domain subject to UDRP within 2 business days of request for verification from Provider

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

Thank You

Please send general questions:

To: Compliance@icann.org

Subject line: **ICANN50 RrSG Session**

Wednesday **25 June 2014**

Contractual Compliance Outreach Session

9:30 – 11:00

Location: **Windsor Suite**

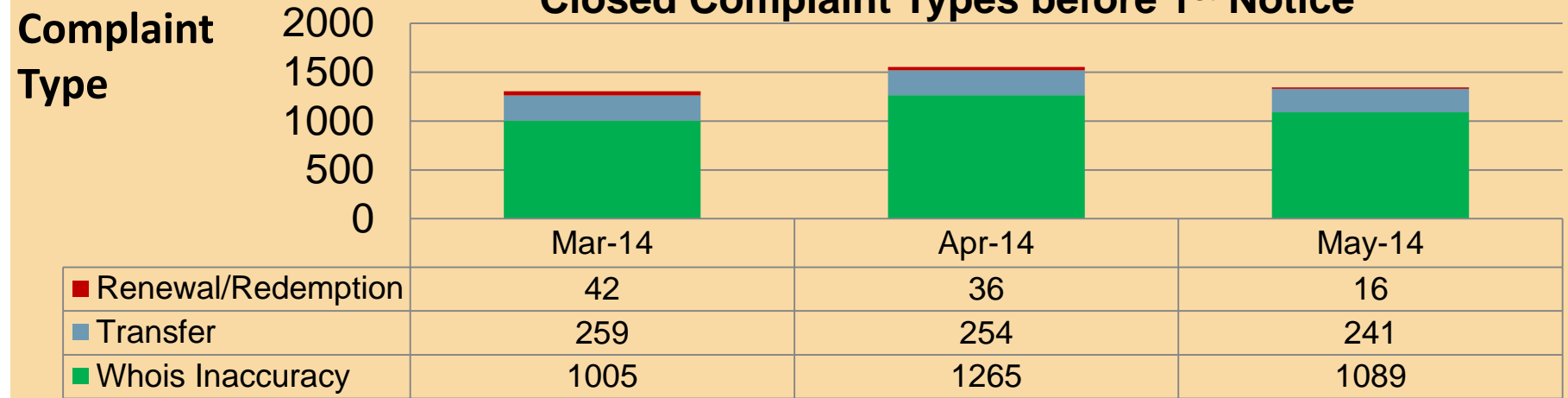
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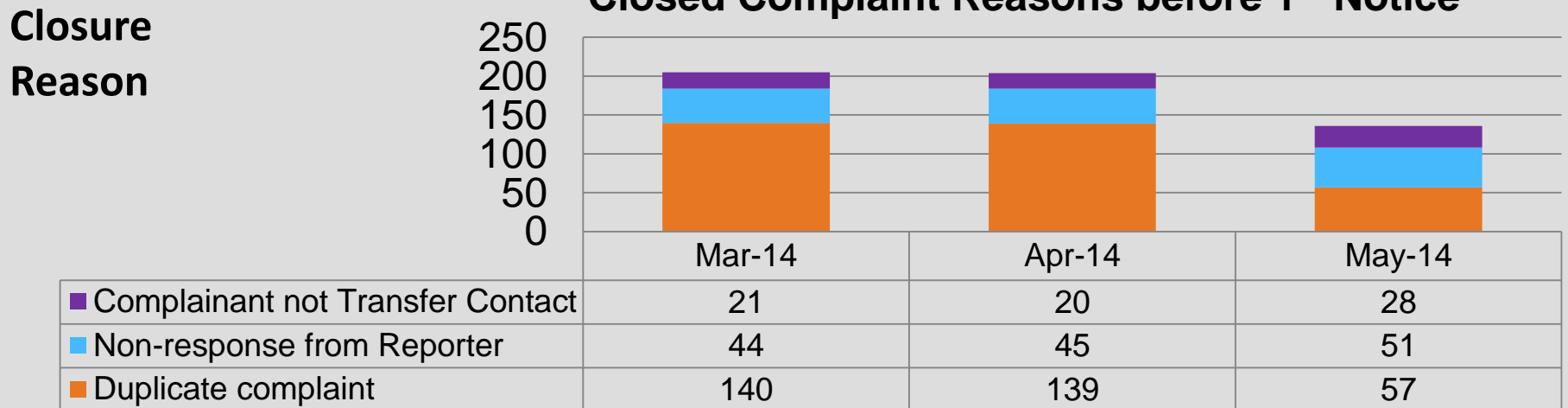
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Complaint Type & Closure Reasons – Top 3

Closed Complaint Types before 1st Notice



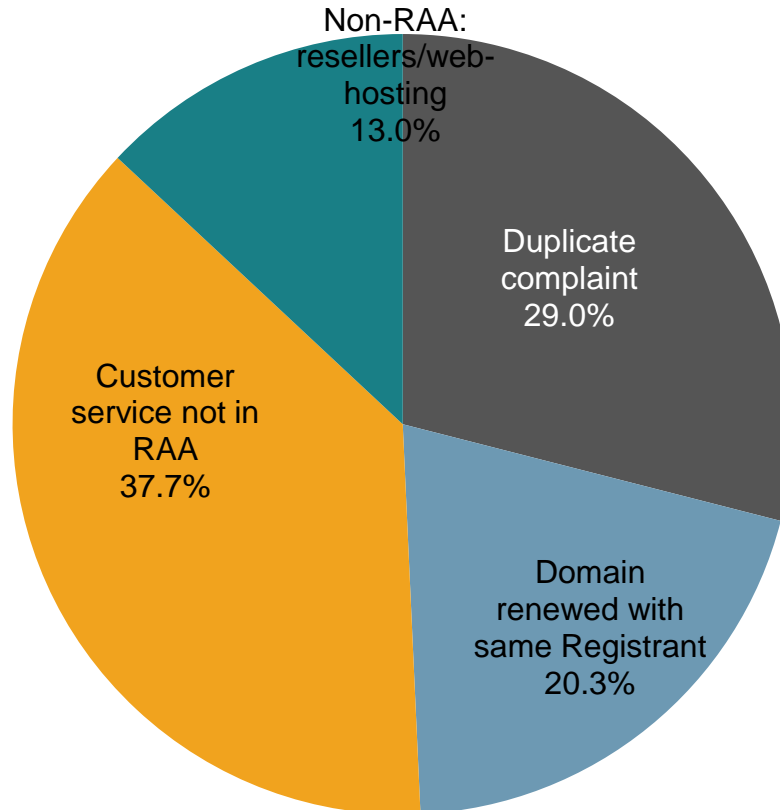
Closed Complaint Reasons before 1st Notice



Contractual Compliance – Jul 2013 – May 2014

Complaint Types & Top 5 Closure Reasons - Registrar

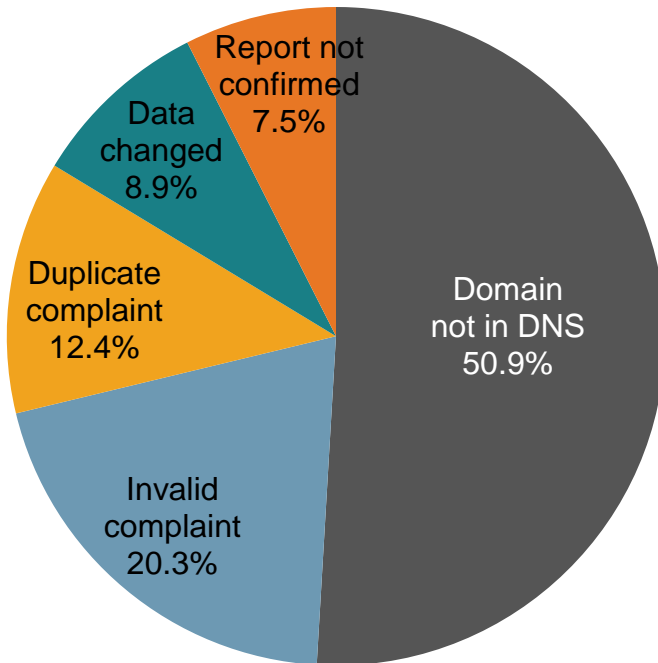
Domain Renewal: Closure Reasons



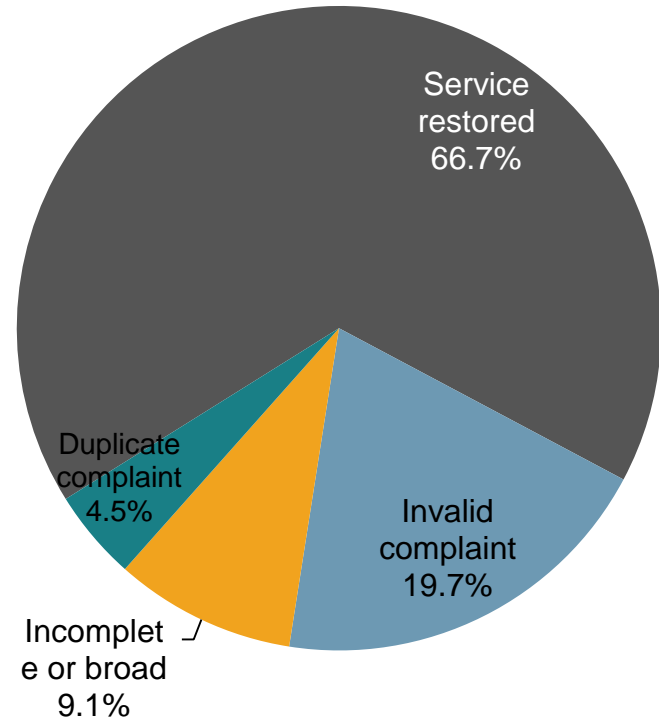
Contractual Compliance – July 2013 – May 2014

Complaint Types & Top 5 Closure Reasons - Registrar

Whois Inaccuracy: Closure Reasons



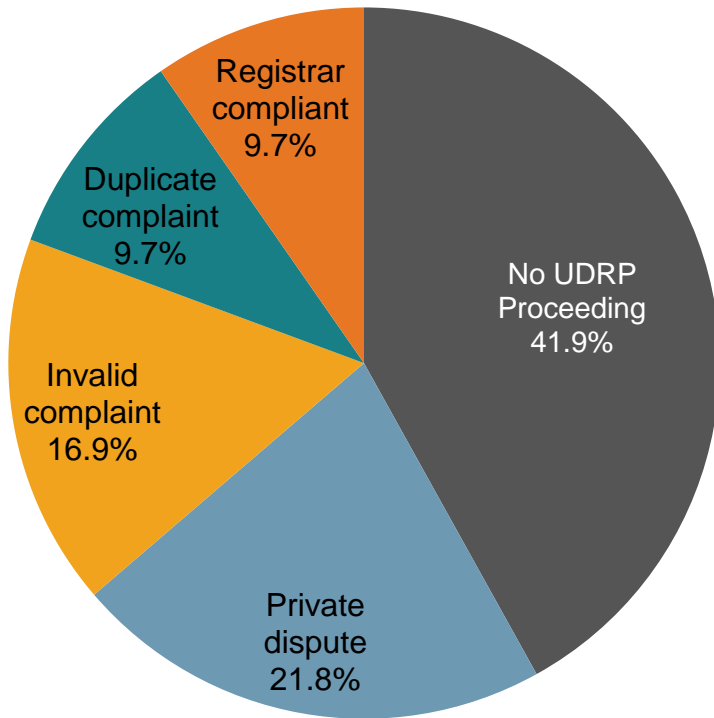
Whois Unavailable: Closure Reasons



Contractual Compliance – July 2013 – May 2014

Complaint Types & Top 5 Closure Reasons - Registrar

UDRP: Closure Reasons



Transfer: Closure Reasons

