

Registrant Protections

Contractual Compliance, Registry Failover,
RAA Amendments, Registrar Data Escrow



ICANN Public Forum

1 November 2007

30th International Public
ICANNMEETING
Los Angeles 2007 29 Oct - 2 Nov

Contractual Compliance

www.icann.org/compliance



2007 Compliance Activities

- Conducted five registrar audits and two registry audits
- Developed internal processes for consistent handling of non-compliant parties (escalation procedures)
- Conducted investigations of registrars and registries upon receiving information regarding alleged noncompliance
- Issued a proposed advisory regarding the Transfer Policy to provide clarity and inform policy work in this area
- Engaged in community outreach to encourage registrar and registry compliance
- Published semi-annual Compliance Report

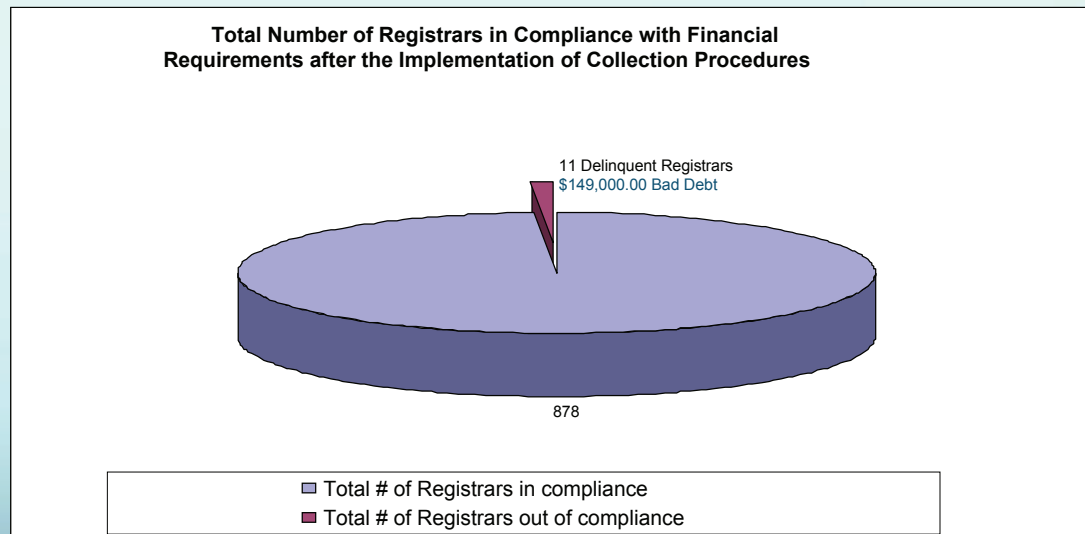
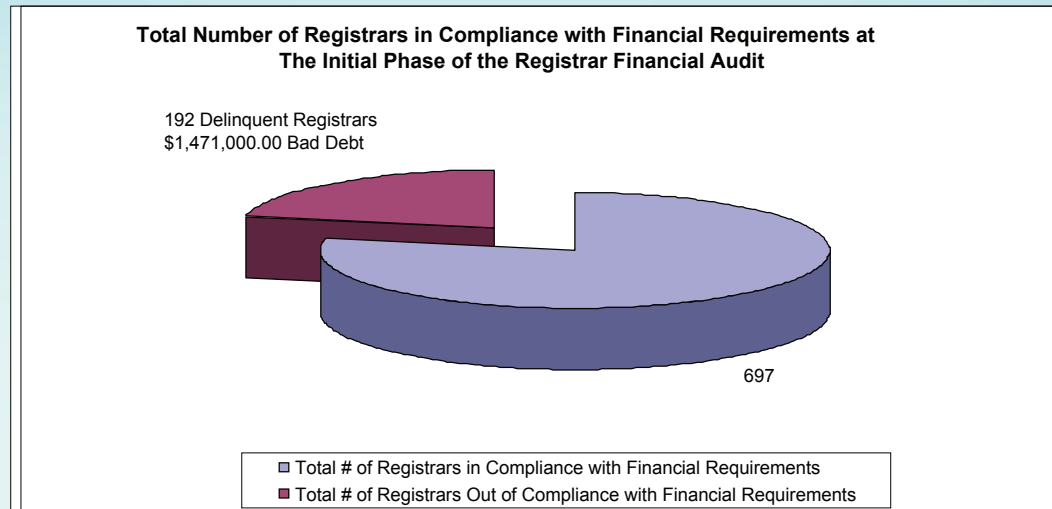


2008 Compliance Activities

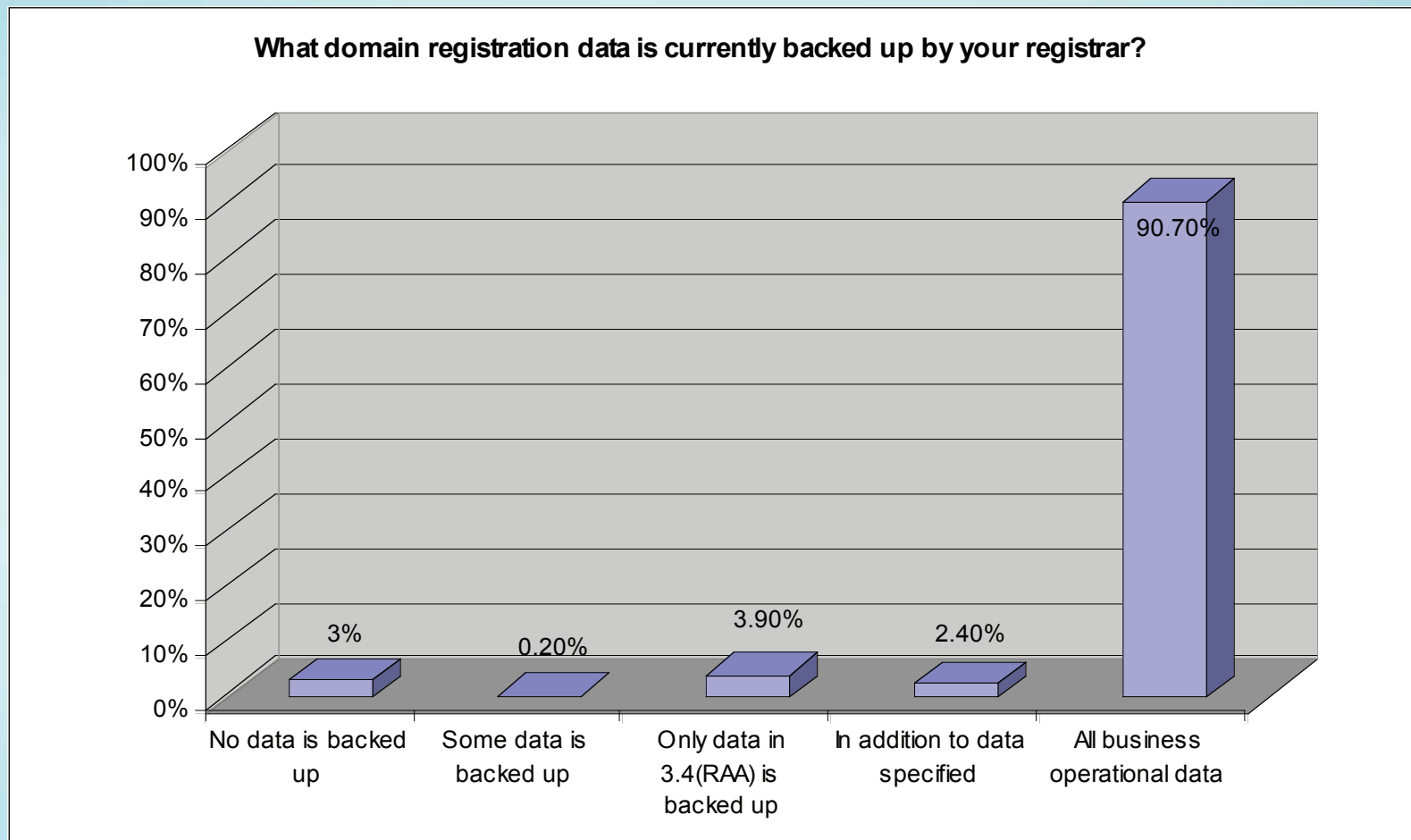
- Conduct site visits and request data to verify information reported by registrars and registries in the 2007 audits
- Conduct compliance audits in accordance with the posted schedule
 - 2007 audits will provide a basis for more detailed audits in 2008
- Implement a consumer complaint procedure to improve complaint processing and statistics
- Enforce contract terms:
 - Public disclosure of violations
 - Escalated sanctions (RAA amendments)
- Improve reporting and statistics



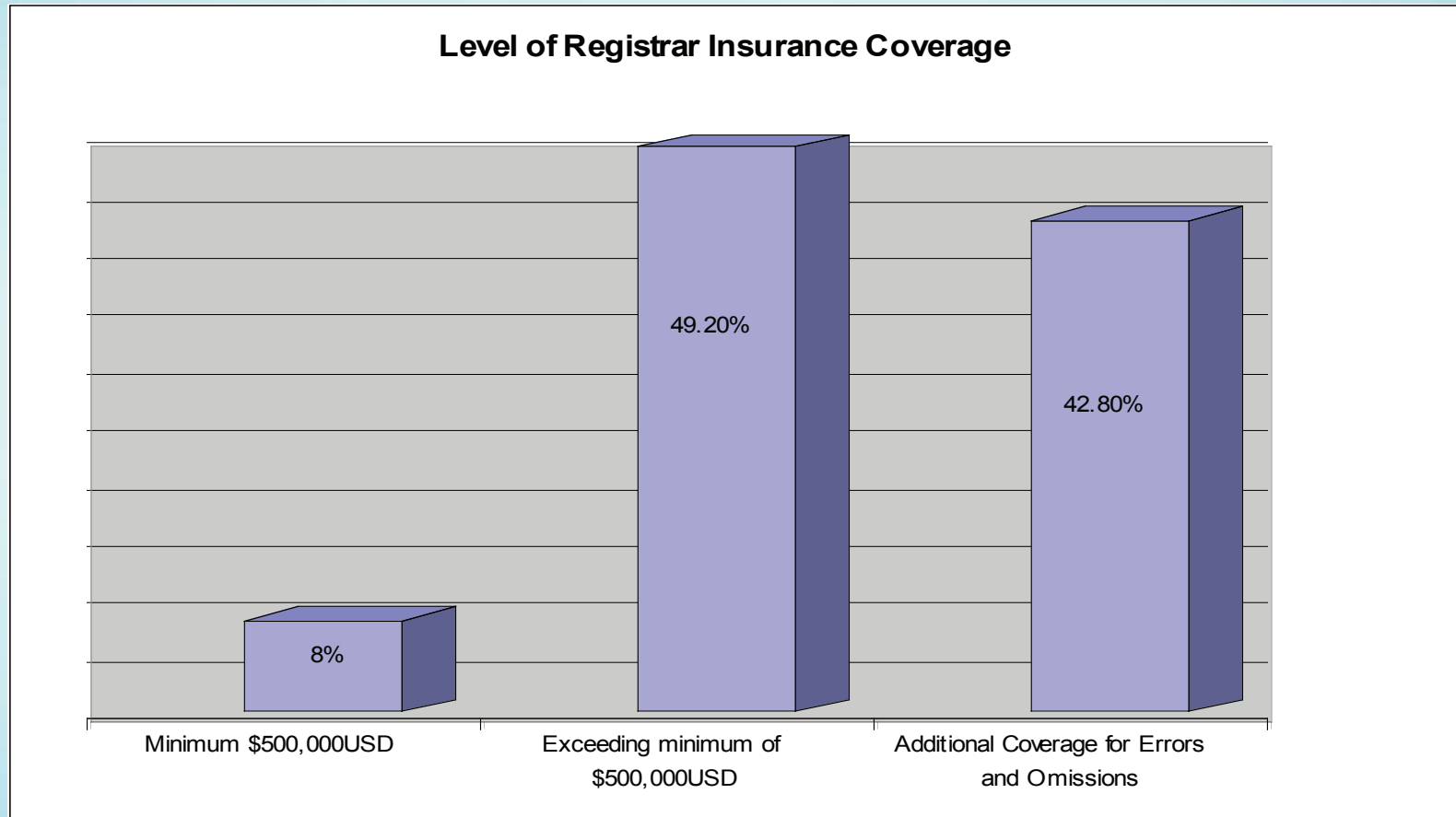
Registrar Fees Audit



Registrar Data Back-Up Practices

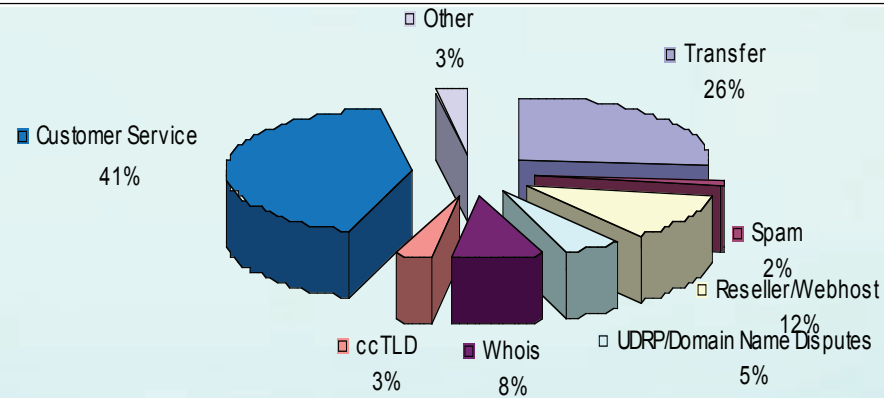
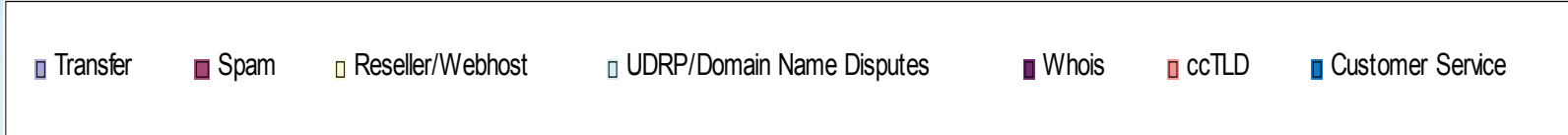


Registrar Insurance Coverage Reported



Complaint Analysis

Preliminary 2007 Contractual Compliance Complaint Analysis



ICANN compiled the data from 5,748 consumer complaints submitted between 1 January and 30 September 2007.



Registry Failover

<http://www.icann.org/announcements/announcement-20oct07.htm>



gTLD Registry Failover Plan

- The gTLD Registry Failover Plan is intended to provide protection for registrants by:
 - Including a set of “best practices” in every registry agreement that will ensure the preservation of registrant data and continuing name resolution in the event of failure or interruption
 - Defining processes and procedures to be followed in the event of a registry failure that provide for an orderly transfer of data and continuing resolution of names
- Draft Failover Plan posted on 20 October 2007 at www.icann.org



gTLD Registry Failover Plan

- Informed by advisory team of ccTLD and gTLD registry operators
- The “best practices” call for registries to have:
 - contingency plans to maintain critical functions in the event of failure,
 - geographical diversity of data
- The Failover Plan:
 - identifies triggers for initiating transfer of data
 - describes procedures for identifying a replacement operator and notice to registrants



Next Steps

- Elements of the “best practices” document will be:
 - used in writing the base contract for new gTLDs implementation
 - offered as amendments into existing gTLD agreements
- The failover procedures:
 - will be tested through simulations / scenarios
 - after legal and other reviews, be adopted as ICANN operating procedures



Registrar Accreditation Agreement

<http://www.icann.org/announcements/announcement-23oct07.htm>



RAA Amendment Process

- In March 2007, ICANN called for review of the RAA
- In June 2007, ICANN Board adopted resolutions:
 - Staff solicit and consider the input of the Internet community, regarding proposed changes to the RAA, registrar accreditation process, and related policies.
 - Staff engage with the Registrar Constituency in order to arrive at, and post for public comment, a set of proposed amendments or alternative version to the RAA, that is intended to address the concerns raised by the Internet community.



Developing Amendments

- The registrars established a working group to represent the constituency in amendment discussions with ICANN
- There have been three conference calls, one face-to-face meeting to date
- There is substantial agreement between ICANN staff and registrars' working group on the substance and language in many of the ICANN proposed amendments
- It is anticipated that the registrars will propose a limited set of amendments



Developing Amendments

- Analysis and discussion of the recommendations from the public comment forum has started
- Participation by relatively few parties but with great depth
 - Some are addressed in different form by the proposed amendments / Some are being considered for the first time
 - Some appear to require policy discussion / Some appear to be market choice option not an RAA topic
- ICANN provided a synthesis of the public comment forum and will provide additional analysis



ICANN Proposals for Amendment

- Group Liability
- Contractual Relationships with Resellers
- Accreditation by Purchase
- Operator Skills Training & Testing
- Escrow of Private Registration Data
- Enforcement Tools
- Notice Provision (allow for electronic notice)
- Arbitration Stay (remove automatic stay provisions)



Public Comment Proposals

- Add a compliance audit provision
- RAA should allow for arbitration of damages instead of sanctions
- The leasing of an accreditation should be addressed by the RAA
- Expand the data escrow terms to allow use of the data to resolve disputes between ICANN and the registrar
- Add a clause in the RAA to require registrars to clearly state the name under which they are accredited by ICANN and the number of their accreditation contract, at the time of registration and on the invoices / receipts related to the registration



Next Steps

- There will be another face-to-face meeting between ICANN and the registrar working group in the next few weeks
- ICANN will continue to consider comment forum input
- There should be an agreed to set of amendments by the meeting in Delhi
- Implementation might be accomplished in different ways and in accordance with the RAA
 - Public comment
 - Board approval



Registrar Data Escrow



Registrar Data Escrow Overview

- Data escrow is intended to provide for registrant protection by requiring registrars to escrow registrant data with an independent third party, eliminating a single point of failure
- Registrars to use ICANN provided agent or their own escrow agent
 - ICANN will post escrow agent approval process
 - Target for compliance by all registrars ~6 months
- All registrars to deposit registration data weekly; high-volume registrars daily
- Proposed RAA amendment will provide additional protection by requiring escrow of Whois privacy data



Data Escrow Project Status

- Open for business
- Two agreements: one between ICANN & Iron Mountain; one among ICANN, Iron Mountain and each enrolee
- Enrolment of gTLD registrars underway
- Published RDE technical specifications with cooperation of gTLD registrars
- Published RFP, evaluated proposals and selected preferred RDE provider
- Third Party Provider escrow agent approval process will be published now that Data Escrow is open for business

