Contractual Compliance

Intellectual Property Constituency (IPC)

Tuesday, 14 October 2014

#ICANN51
Agenda

• Registrar Related Update since ICANN 50
• Registry Related Update since ICANN 50
• Audit Programs Update
• Questions & Answers

Announcement: The Monthly Compliance Dashboard is now available on ICANN.org at: https://features.icann.org/compliance
Registrar Related Update since ICANN 50

- Whois Inaccuracy Quality Review
- Remediation Quality Review
- Abuse Reports Handling
- Domain Registration Scams
- 2013 RAA Common Lessons Learned
Whois Inaccuracy Quality Review

To periodically confirm compliance for suspended domains related to Whois Inaccuracy complaints.

- Reviewed Whois Inaccuracy complaints that were closed due to Domain Suspended

- Out of 1,296 complaints sampled found 81% remained suspended

- Domain still suspended 81%
- Domain active/Transfer 3%
- Domain deleted 10%
- Domain active/Whois changed 5%
- Domain active/Whois unchanged 1%
Abuse Reports Handling (Registrar)

• Most common abuse reports are about online pharmaceuticals, malware, viruses and spam.

• Examples of out of scope reports:
  • Registrars on the 2009 RAA
  • Reporter did not contact the registrar first

• Conducted outreach efforts with registrars, abuse reporters and IP rights protection groups
Domain Registration “scams” (Registrar)

- Email solicitations sent to registrants worldwide to register domains, pay certification/valuation fees, or protect trademarks at high premium
  - Campaigns may only target trademark owners
  - Solicitations may have high degree of customization or official appearance
  - Usually link to website to collect payment and personal information
Registry Related Update since ICANN 50

• Update on Public Interest Commitment

• Update on Additional Proactive Reviews of:
  • Abuse Contact Data
  • Rights Protection Mechanisms and
  • Name-Collision Occurrence Assessment
Public Interest Commitments

- PICDRP panel is constituted and on boarded

- Initiated the Mandatory and Voluntary PIC reviews in an effort to proactively enforce the PIC requirements & address the GAC and community concerns

- The gTLDs under review are those that are in General Availability phase as of 1 Oct 2014; responses are under review.

Note: Project details are at this link:
https://features.icann.org/plan/project/532212e2002da01f4c379f077c1604e0
Monitoring of PIC – Mandatory Provisions

ICANN is monitoring that Registry Operators are:

• Only using 2013 RAA Registrars (Section 1)
• Including the mandatory provisions in the RRA (Section 3a)
• Maintaining statistical reports on security threats detected and actions taken based on security threats detected (Section 3b)
• Publishing registration policies (Section 3c)
• Not imposing restrictive eligibility criteria (Section 3d)
Monitoring of PIC – Voluntary Provisions

• Not all Registry Operators have voluntary commitments
• Some of the voluntary commitments being monitored are:
  • Performing Whois Audits and taking Remediation steps
  • Excluding Registrars with a history of non-compliance
  • Establishing a pathway to collaborate with governments and industry, self-regulatory bodies on abuse reports
  • Limiting domain name proxy and privacy services only to registrars that enforce the accuracy of registrant data and collaborate with law enforcement groups
Monitoring of Publication of Abuse Contact Data

• ICANN is monitoring that Registry Operators are publishing on their websites: Email address; Mailing address; Primary contact to manage abuse reports

• Preliminary Statistical Update – over 50% of TLDs were either missing the mailing address or the primary contact.
  • Sent 83 notices to Registry Operators;
  • Notices were grouped by “family” or “portfolio”
  • Impact is to 100% of TLDs in General Availability
  • 35 notices in progress
  • 48 notices are resolved (closed)
Monitoring of Rights Protection Mechanisms

Specification 7

ICANN is monitoring that Registry Operators are:
• Timely delivering the List Of Registered DN files to TM Data Base
• Publishing the Registration Policies on TLD’s website
• Abiding by prohibition of Allocating domain names, before Sunrise registrations unless per Specification 5, Section 3.2

Preliminary Results:
81% are publishing the registration policy as of 9 October 2014
Monitoring of Implementation of the Name Collision Occurrence Assessment

ICANN is monitoring Registry Operators are in compliance with:

- 4 August 2014 Name Collision Occurrence Assessment
- 12 September 2014 SLD CI Variations Letter as applicable
- The types of TLDs being monitored are:
  - gTLDs delegated on or after 18 Aug 2014
  - gTLDs delegated before 18 Aug 2014 and names activated other than nic.tld
  - gTLDs delegated on or after 18 Aug 2014 and no names activated, other than .nic
# Contractual Compliance Audit Programs

<table>
<thead>
<tr>
<th>Compliance Program</th>
<th>Pre-Audit Notification</th>
<th>RFI - 1st Notice</th>
<th>RFI - 2nd Notice</th>
<th>RFI - 3rd Notice</th>
<th>RFI - 3rd Notice Due</th>
<th>Start</th>
<th>End</th>
<th>Start</th>
<th>End</th>
<th>Start</th>
<th>End</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Registry Agreement Audit Program</td>
<td>30-Jun-14</td>
<td>14-Jul-14</td>
<td>05-Aug-14</td>
<td>12-Aug-14</td>
<td>18-Aug-14</td>
<td>19-Aug-14</td>
<td>19-Sep-14</td>
<td>22-Sep-14</td>
<td>N/A</td>
<td>22-Sep-14</td>
<td>28-Oct-14</td>
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</table>

- Launching the Three-Year Audit program; 6 registries and 312 registrars will be audited in FY 2015.
- New Registry Agreement Audit in progress – as of 10 October, out of the 14 gTLDs in scope, seven are “in compliance”, the other seven are in the remediation phase.
• Please send general questions:
  To: Compliance@icann.org
  Subject line: ICANN51 IPC Session

Please join us on:
Wednesday 15 October 2014
Contractual Compliance Program Update Session
8:30 – 9:45 - Location: Westwood
RegIncomplaint Type Volume June – Sept 2014

Complaint Distribution

- WHOIS INACCURACY 72.3%
- TRANSFER 18.7%
- DOMAIN RENEWAL 1.6%
- WHOIS FORMAT 1.1%
- DATA ESCROW 0.9%
- ABUSE 0.9%
- Misc 4.5%

<table>
<thead>
<tr>
<th>Registrar TAT</th>
<th>(in days)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Avg TAT 1st Notice</td>
<td>12.7</td>
</tr>
<tr>
<td>Avg TAT 2nd Notice</td>
<td>6.3</td>
</tr>
<tr>
<td>Avg TAT 3rd Notice</td>
<td>10.0</td>
</tr>
</tbody>
</table>

**Formal Notices**

- Volume Breach: 29
- Volume Non-Renewal: 1
- Volume Suspension: 3
- Volume Termination: 4

**REGISTRAR Complaints**

<table>
<thead>
<tr>
<th>Complaint Type</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>ABUSE</td>
<td>108</td>
</tr>
<tr>
<td>CUSTOMER SERVICE</td>
<td>41</td>
</tr>
<tr>
<td>DATA ESCROW</td>
<td>113</td>
</tr>
<tr>
<td>DNSSEC, IDN, IPV6</td>
<td>7</td>
</tr>
<tr>
<td>DOMAIN DELETION</td>
<td>87</td>
</tr>
<tr>
<td>DOMAIN RENEWAL</td>
<td>198</td>
</tr>
<tr>
<td>FAILURE TO NOTIFY</td>
<td>41</td>
</tr>
<tr>
<td>FEES</td>
<td>26</td>
</tr>
<tr>
<td>PRIVACY/PROXY</td>
<td>6</td>
</tr>
<tr>
<td>REGISTRAR CONTACT</td>
<td>41</td>
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<tr>
<td>REGISTRAR INFO SPEC</td>
<td>18</td>
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<tr>
<td>REGISTRAR OTHER</td>
<td>36</td>
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<tr>
<td>RESELLER AGREEMENT</td>
<td>13</td>
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<tr>
<td>TRANSFER</td>
<td>2,348</td>
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<td>UDRP</td>
<td>83</td>
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<tr>
<td>WHOIS FORMAT</td>
<td>140</td>
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<tr>
<td>WHOIS INACCURACY</td>
<td>9,056</td>
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<td>WHOIS QUALITY REVIEW</td>
<td>58</td>
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<tr>
<td>WHOIS SLA</td>
<td>27</td>
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<tr>
<td>Total Complaints Processed</td>
<td>12,524</td>
</tr>
<tr>
<td>Total Complaints Closed</td>
<td>13,097</td>
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Registrar TAT (in days)

- Avg TAT 1st Notice: 12.7
- Avg TAT 2nd Notice: 6.3
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Total Complaints Processed: 12,524
Total Complaints Closed: 13,097
Registry Complaint Type Volume  June – Sept 2014
North America

Complaint Distribution

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<thead>
<tr>
<th>Registry Complaints</th>
<th>Qty</th>
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<tbody>
<tr>
<td>ABUSE CONTACT DATA</td>
<td>1</td>
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<tr>
<td>PIC-DRP</td>
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<tr>
<td>REGISTRY DATA ESCROW</td>
<td>1</td>
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<tr>
<td>REGISTRY OTHER</td>
<td>11</td>
</tr>
<tr>
<td>RR-DRP</td>
<td>15</td>
</tr>
<tr>
<td>URS</td>
<td>3</td>
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<tr>
<td>ZONE FILE ACCESS</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total New Complaints Processed</strong></td>
<td>178</td>
</tr>
<tr>
<td><strong>Total Complaints Closed</strong></td>
<td>42</td>
</tr>
</tbody>
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<tbody>
<tr>
<td>Volume Breach</td>
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