

ICANN Contractual Compliance

Compliance Outreach  
Wednesday, 26 March 2014

#ICANN49



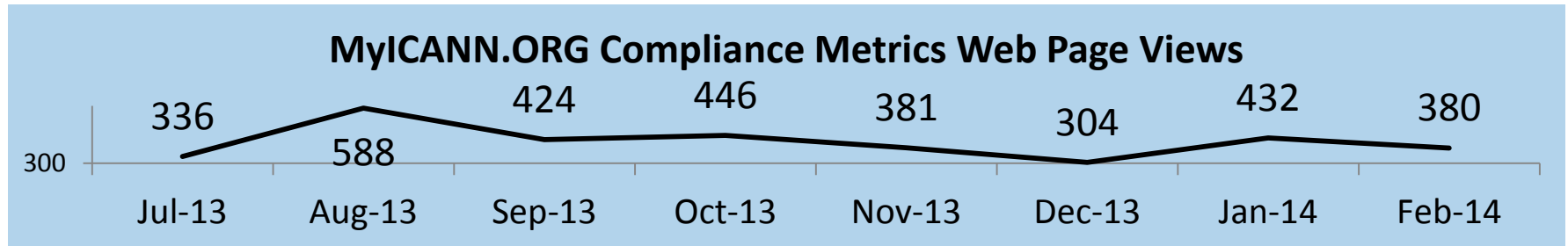
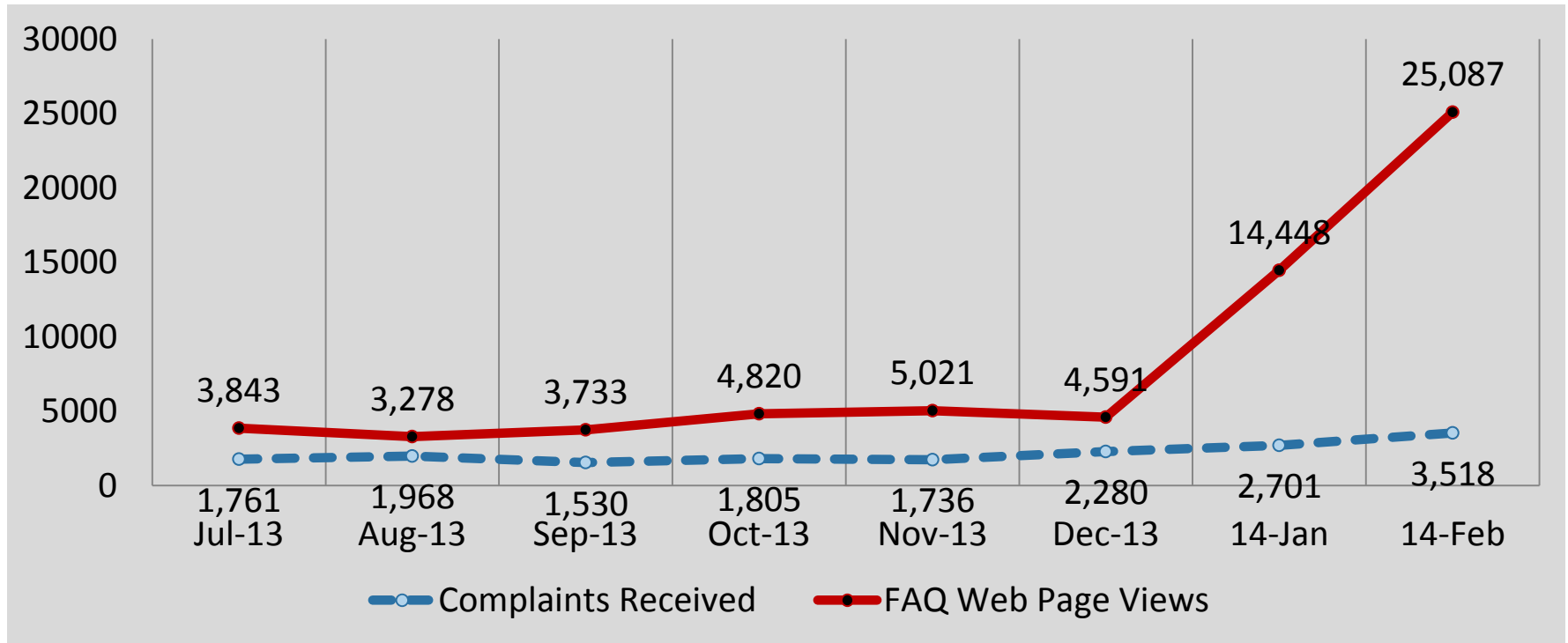
# Agenda

- General Update
- 2013 RAA Discussion and Clarification
- New Registry Agreement Update
- Question & Answer Session

# Contractual Compliance Update

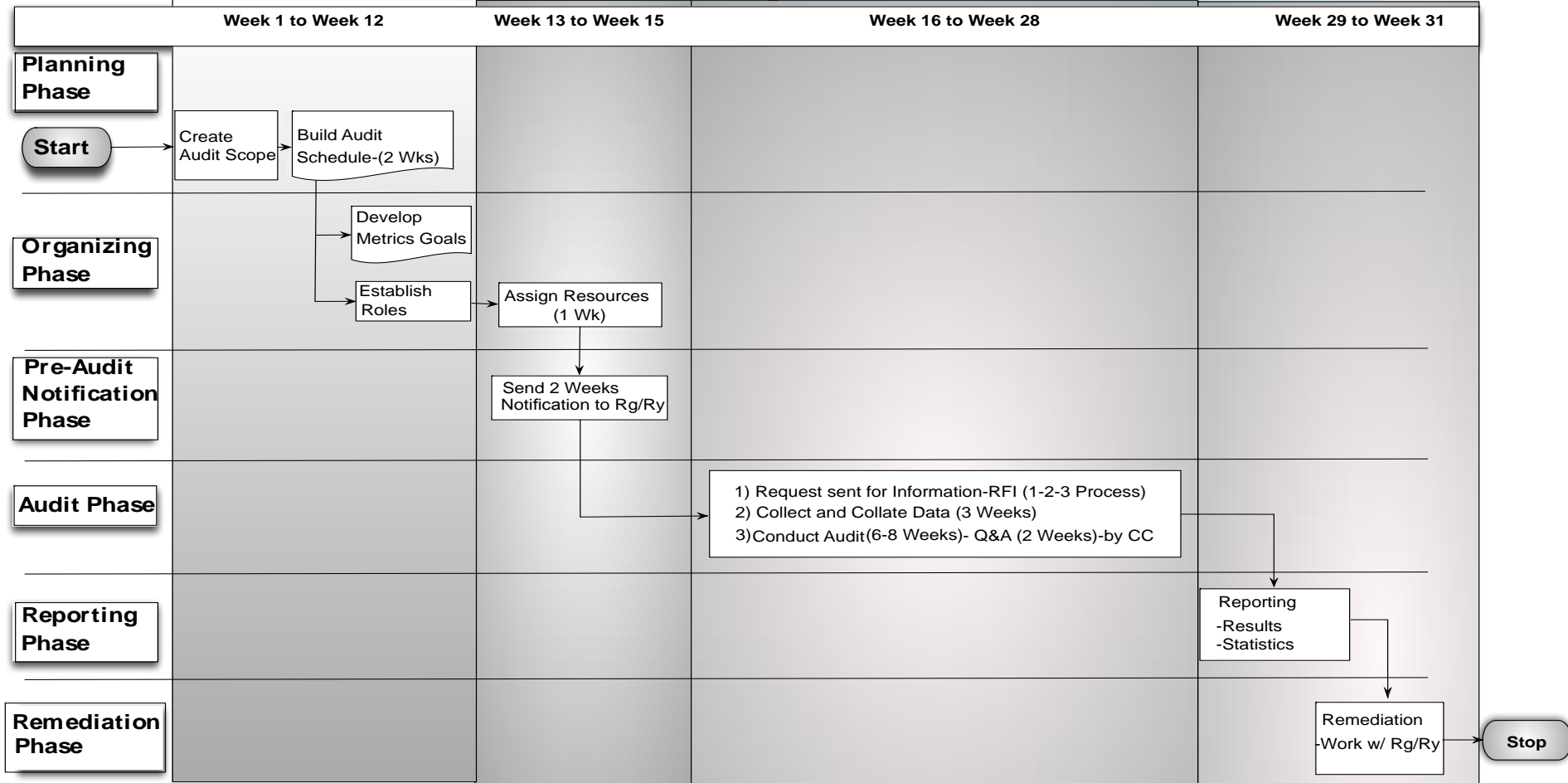
- Global presence in Singapore and Turkey
- Completed 2013 RAA and New Registry Agreement readiness – web forms, Learn More, templates and training
- Audit Program Year-2 in progress
- New Registry Agreement audit plan and detailing in progress

# Learn More & MyICANN Web Page Views July 2013 – Feb 2014



# Year-2 Audit Program Timeline

2012-2015 Audit Process Flow



Planning		Pre-Audit Notification			Request for Info (RFI)			Audit Phase		Reporting Phase		Remediation
					1 <sup>st</sup> Notice	2 <sup>nd</sup> Notice	3 <sup>rd</sup> Notice	Begin	End	Begin	End	
18 Sep – 11 Oct 2013		1-Oct-13			14-Oct-13	4-Nov-13	11-Nov-13	2-Dec-13	7-Mar-13	10-Mar-14	24-Mar-14	25 Mar – 5 May 2014

# Year-2 Audit Program Sample

Registrars	#
Total Selected Registrars	317
Total Y1 Rollovers	5

Registries	#
Total Selected Registrars	6
US	4
Ireland	1
Switzerland	1

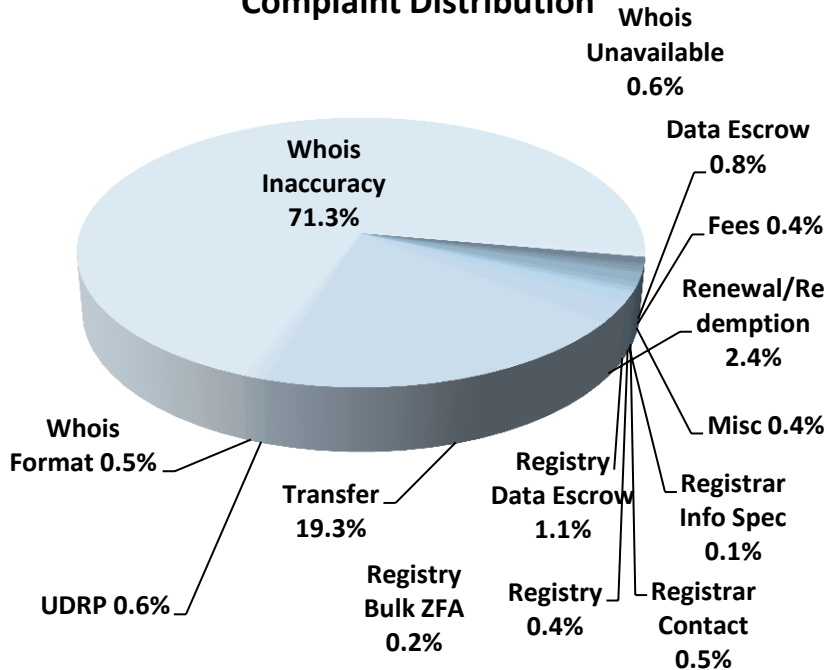
Country	Registrars
United States	185
India	24
Canada	11
United Kingdom	10
Germany	8
China	7
Korea (South)	6
Japan	5
Spain	5
Australia	4
Italy	4
France	4
Mexico	3
Brazil	3
Sweden	3
Netherlands	2
Belgium	2
Lithuania	2
Russian Federation	2
Israel	2

Country	Registrars
Thailand	1
Finland	1
Czech Republic	1
Cayman Islands	1
Austria	1
Taiwan	1
Ghana	1
Hong Kong	1
Ireland	1
Argentina	1
Singapore	1
Viet Nam	1
Kuwait	1
Latvia	1
Liechtenstein	1
Malaysia	1
Panama	1
Philippines	1
Indonesia	1

# Contractual Compliance Scorecard

## Nov 2013 – Feb 2014

### Complaint Distribution



Registrar/Registry TAT - Nov-13 - Feb-14 (in days)	
Avg TAT 1st Notice	12.6
Avg TAT 2nd Notice	8.3
Avg TAT 3rd Notice	8.8
CC Staff TAT - Nov-13 - Feb-14	
Avg TAT Open-1st Notice	1.8
Avg TAT 2nd WIP	2.4
Avg TAT 3rd WIP	5.8
Avg TAT Received-Closed	9.7

	New Complaints	Sub-total
REGISTRAR	10009	
REGISTRY	226	
<b>Total New Complaints Received</b>		<b>10,235</b>
<b>Total Prior Months Carryover</b>		<b>3,655</b>
<b>Total Complaints Received</b>		<b>13,890</b>
	<b>Complaints Closed</b>	
Volume Closed Before 1st Notice	4,090	
Volume Closed Before 2nd Notice	3,747	
Volume Closed Before 3rd Notice	663	
Volume Closed Before Enforcement WIP	75	
Volume Closed After Enforcement	26	
<b>Total Closed</b>		<b>8,601</b>
	<b>Complaints Open (Carryover)</b>	
Volume Open Before 1st Notice Sent	2,230	
Volume Open in 1st Notice Sent	2,534	
Volume Open in 2nd Notice Sent	406	
Volume Open in 3rd Notice Sent	103	
Volume Open After Enforcement All	16	
<b>Total Remaining Open (Carryover)</b>		<b>5,289</b>
<b>Carryover- at end of period</b>	<b>1,686</b>	<b>1,686</b>
	<b>Enforcements</b>	
Volume Breach	12	
Volume Termination	4	

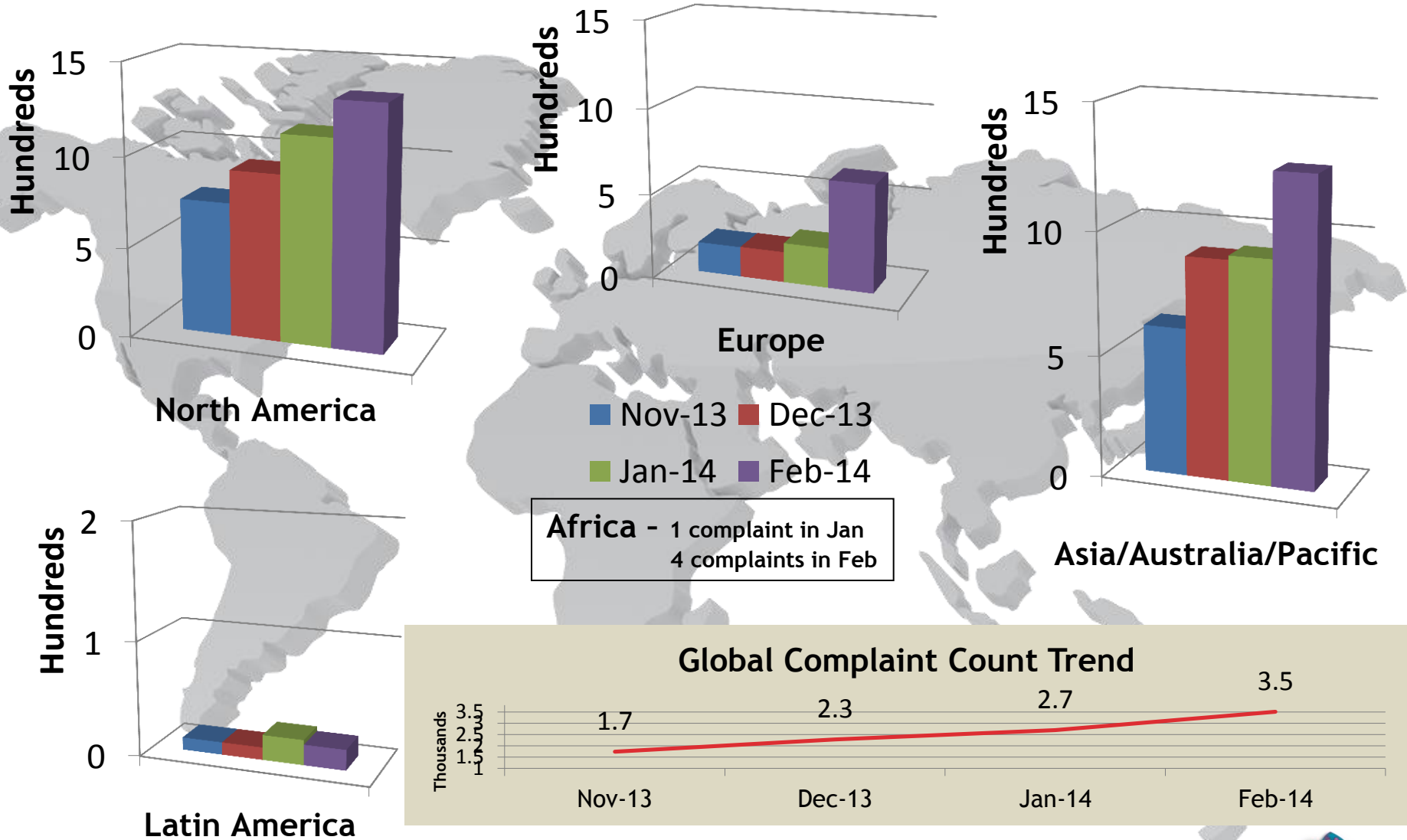
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- 2013 RAA Discussion and Clarification
- New Registry Agreement Update
- Question & Answer Session



# Global Complaint Trend

## Nov 2013 – Feb 2014



# Registrar Complaints per Domain Volume - Nov 2013 – Feb 2014

N. America	101.7M	4,026	.004%
	759	329	43.3%

Europe	23.5M	1,184	.005%
	169	119	70.4%

Asia/A/P	24.6M	3,654	.015%
	172	134	77.9%

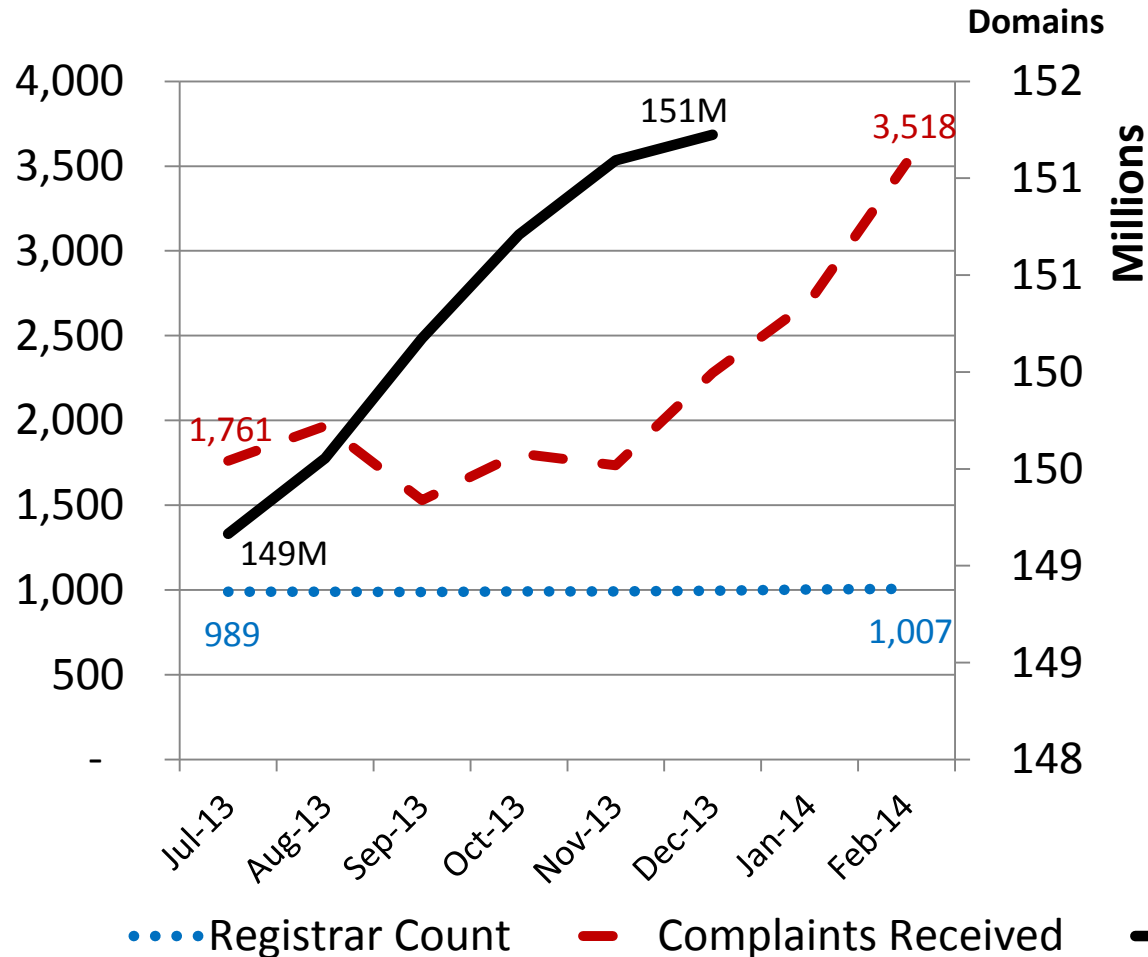
Latin America	1.2M	62	.005%
	24	22	91.7%

Africa	12,944	5	.039%
	7	5	71.4%

LEGEND	November 2013 Domain Volume/Million	# Complaints	% Complaints per Domain Volume
	# registrars per region	# registrar w/ Complaints	% registrars with complaints per region

Note: “# registrars per region” data may contain some obsolete registrars but is retained for reporting history

# Global Trends - July 2013 – Feb 2014

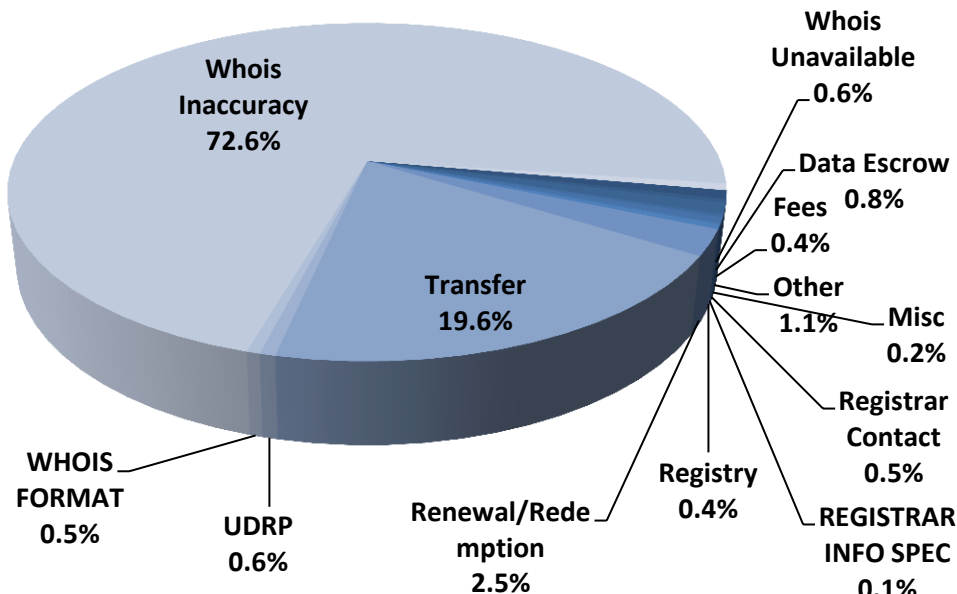


**After a two month lag, the complaint volume trend mirrors the Domain count trend**

# Registrar Dashboard

## Nov 2013 – Feb 2014

Complaint Distribution



Registrar TAT	(in days)
Avg TAT 1st Notice	12.7
Avg TAT 2nd Notice	8.4
Avg TAT 3rd Notice	8.8

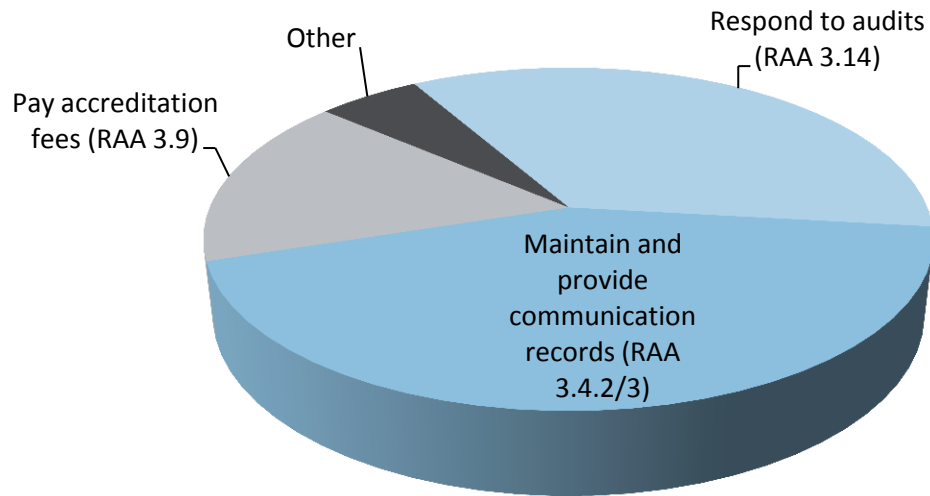
Enforcements	
Volume Breach	12
Volume Termination	4

REGISTRAR Complaints	Quantity
ABUSE CONTACT DATA	4
CUSTOMER SERVICE	8
Data Escrow	79
DOMAIN DELETION	8
Fees	37
Other	108
PRIVACY/PROXY	1
Registrar Contact	55
REGISTRAR INFO SPEC	15
Renewal/Redemption	249
Transfer	1,971
UDRP	60
WHOIS FORMAT	51
Whois Inaccuracy	7,296
WHOIS SLA	3
Whois Unavailable	64
Total Complaints Processed	10,009
Total Complaints Closed	8,530

# Registrar Enforcement Activity

## Nov 2013 – Feb 2014

### Notice Reasons



Notices	Qty
Breach	12
Suspension	0
Termination	4

Breach Notice Reason*	Qty*
Failure Notice Reasons	32
➤ Cured	24
➤ Not Cured	8

*\*A single Breach may contain multiple Notice Reasons.*

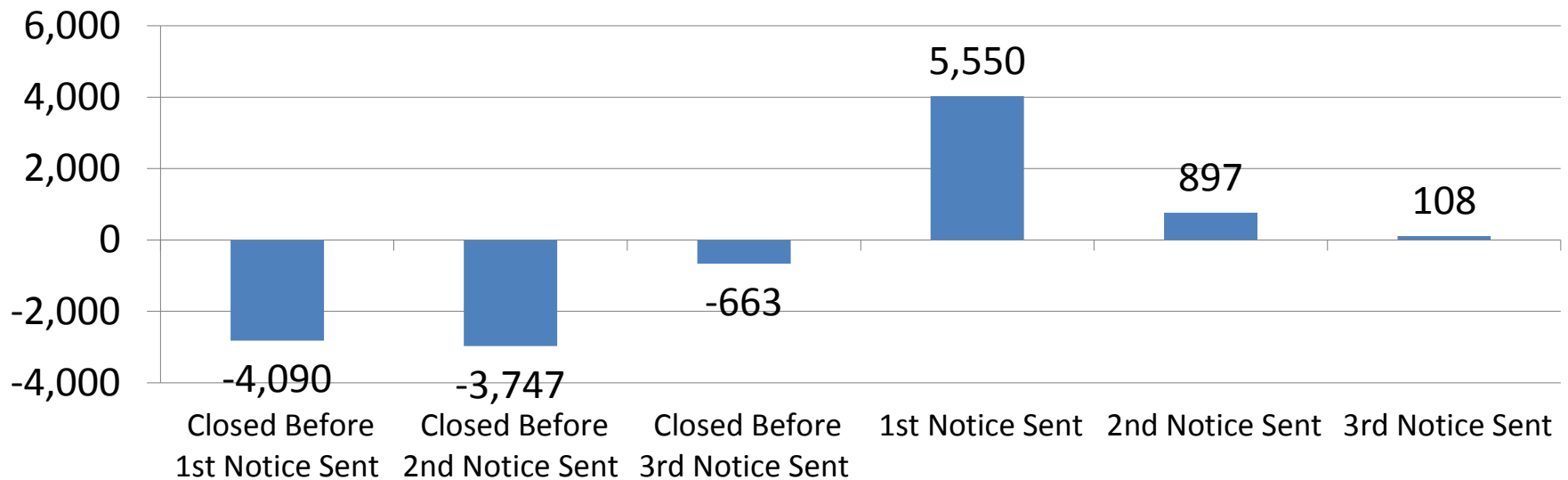
Enforcement Notice Reasons	%
Respond to audits (RAA 3.14)	35.1%
Maintain and provide communication records (RAA 3.4.2/3)	43.2%
Pay accreditation fees (RAA 3.9)	16.2%
Other	5.4%

# Complaints per Notification Cycle

## Nov 2013 – Feb 2014

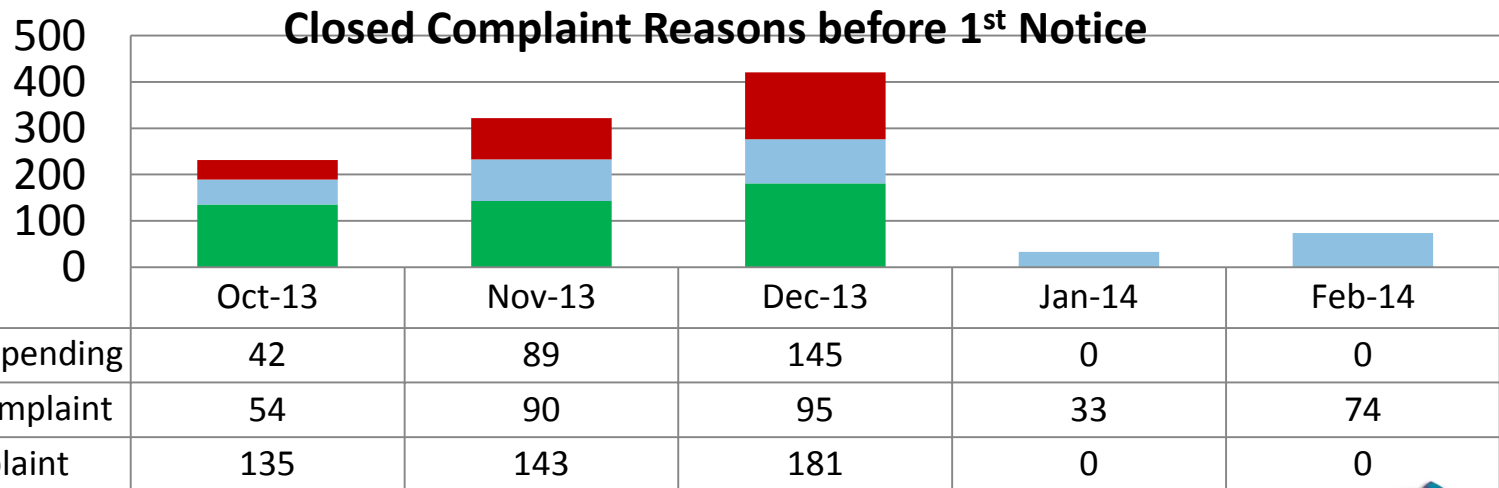
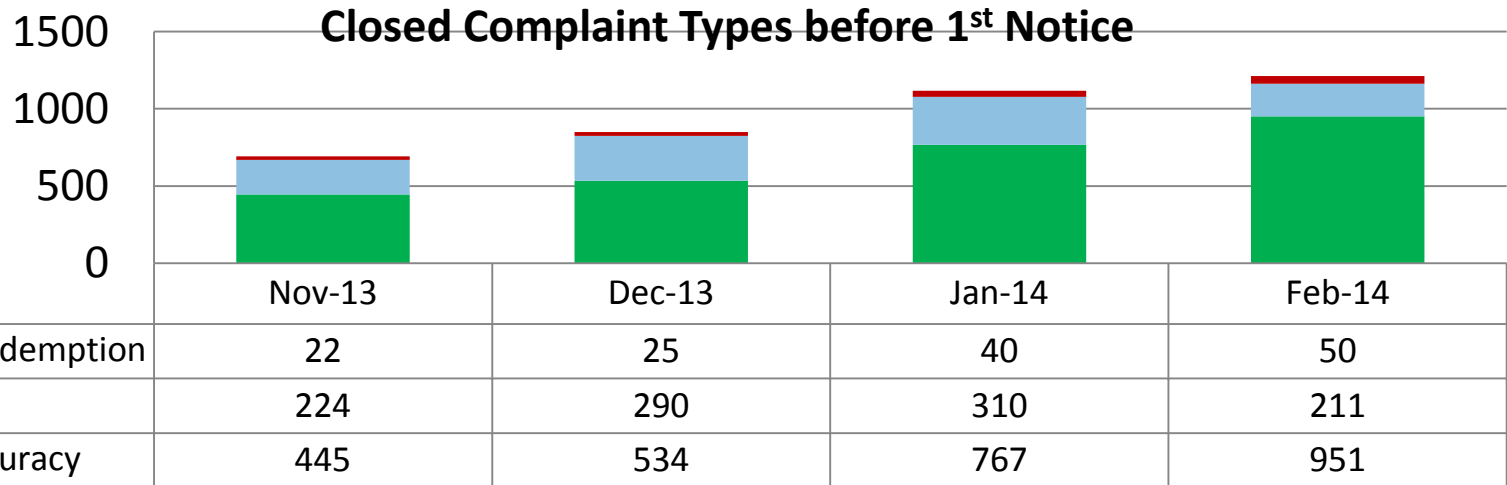
Closure Rate 62%

<i>Complaint Summary</i>	Nov - Feb Total Complaints Processed	Nov - Feb Complaints Closed	Nov - Feb Complaints Remaining Open	Complaints Remaining Open After Oct 31
	13,890	8,601	5,289	1,587



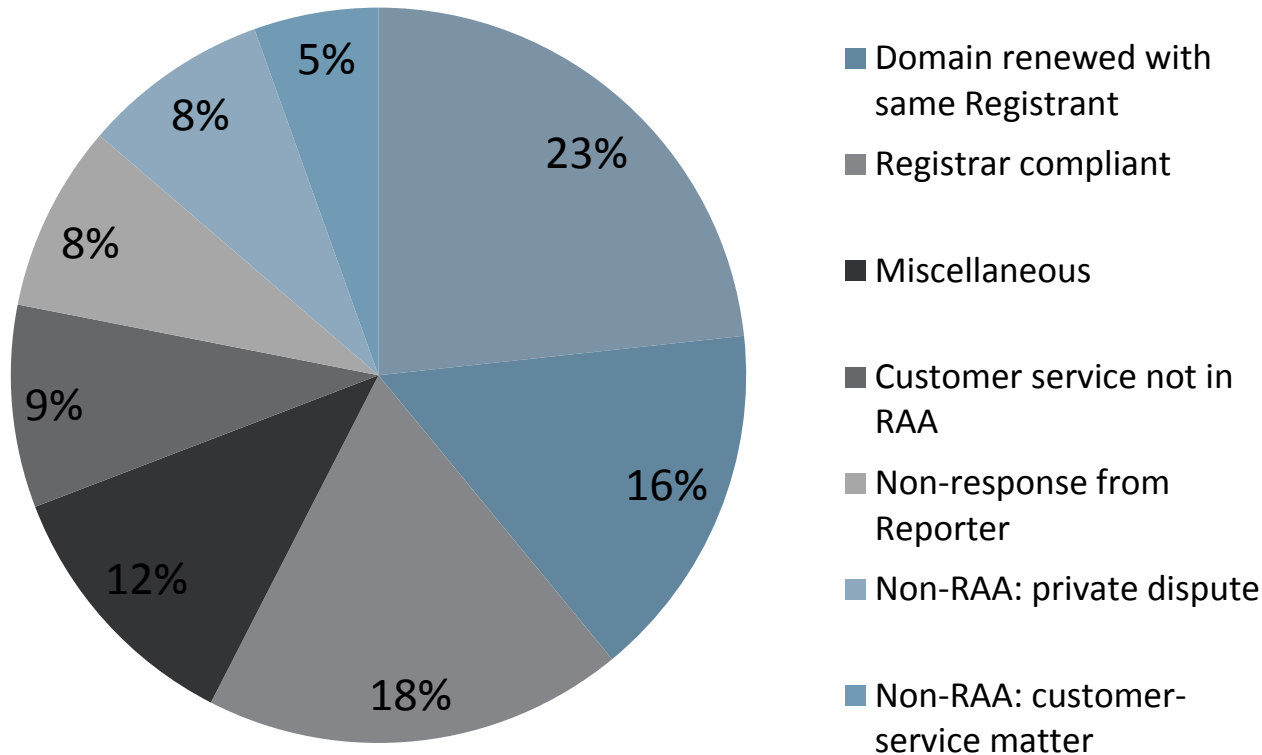
# Complaint Type & Closure Reasons – Top 3

## Nov 2013 – Feb 2014



# Follow-up to ICANN 48 Request on Closure Codes - July 2013 – Feb 2014

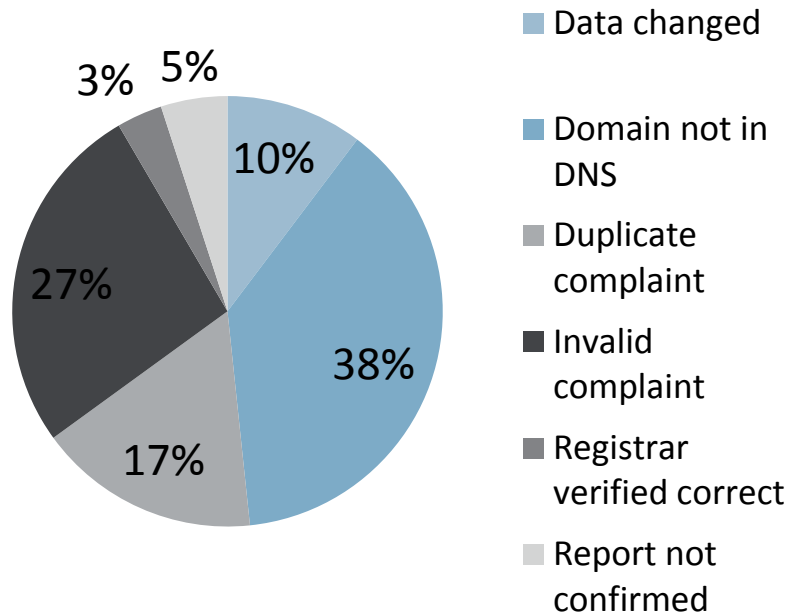
## Domain Renewal: Closure Reason



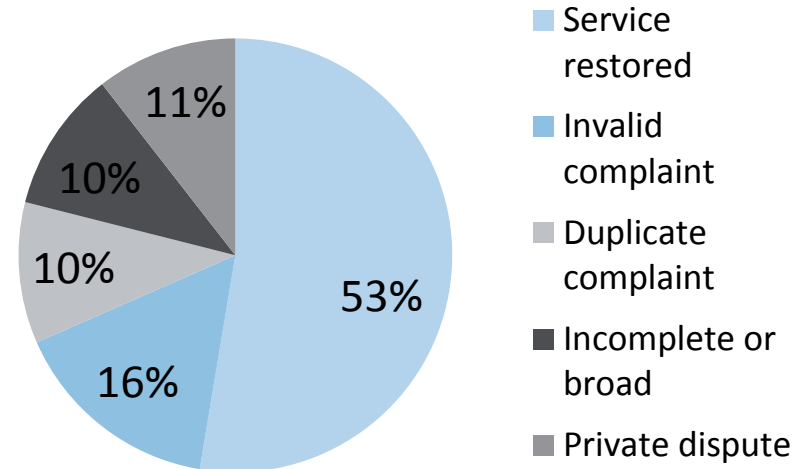


# Follow-up to ICANN 48 Request on Closure Codes - July 2013 – Feb 2014

## Whois Inaccuracy: Closure Reason

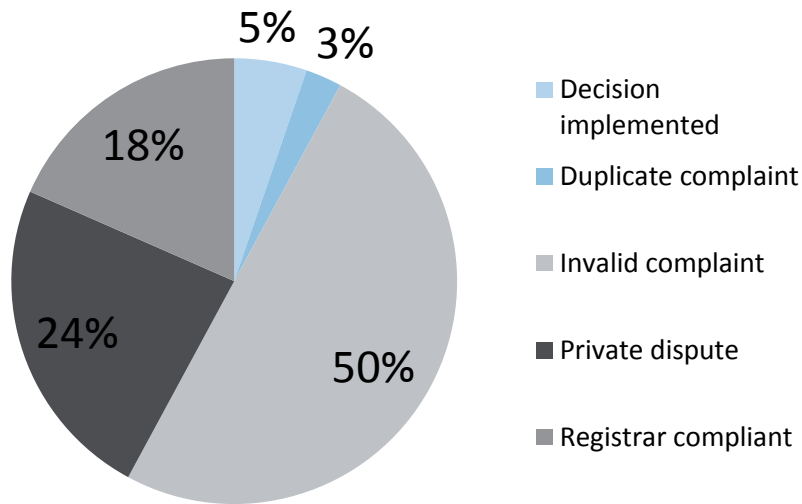


## Whois Unavailable: Closure Reason

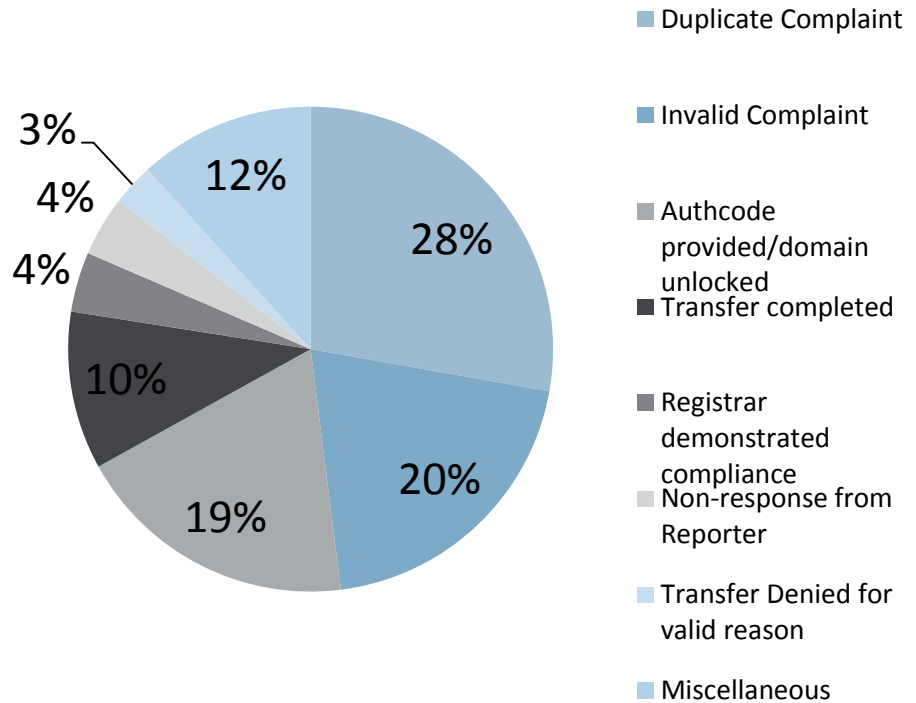


# Follow-up to ICANN 48 Request on Closure Codes - July 2013 – Feb 2014

## UDRP: Closure Reason



## Transfer: Closure Reason



# 2013 RAA 12 New Complaint Types

## Reseller Agreement

Section 3.12

## Abuse

Section 3.18

## CEO Certification

Section 3.15

## Customer Service Handling Process

Section 3.7.11

## Registrar Information Specification

Section 3.17 and Registrar Information Specification

## Failure to Support DNSSEC, IDNs, and IPv6

Section 3.19 & Additional Registrar Operation Specification

## Whois Format

Registration Data Directory Service (Whois) Specification

## Privacy/Proxy Registration Program

Section 3.4.1.5 and Specification on Privacy and Proxy Registrations

## Whois SLA

Section 2.2 of Registration Data Directory Service (Whois) Specification

## Domain Not in DNS for Non-response to Whois inquiry

Whois Accuracy Program Specification

## Failure to Display Trademark Notice

Trademark Clearinghouse Rights Protection Mechanism Requirements

## Failure to Notify ICANN of Bankruptcy, Conviction or Security Breach

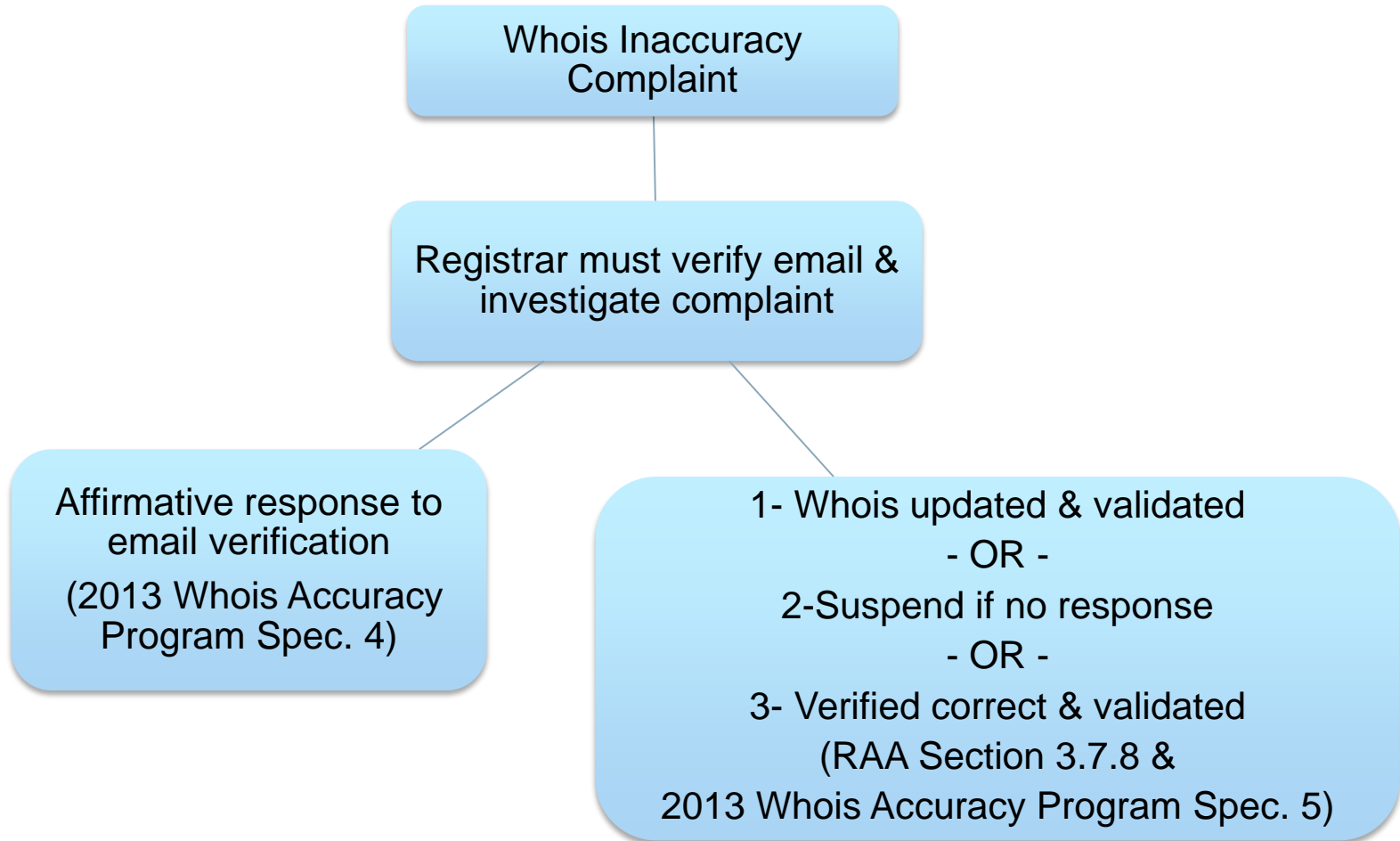
Section 3.20

# Whois Inaccuracy Verification & Validation Summary

- Registrar must verify or re-verify email address of the Registered Name Holder (“RNH”) and if different, the Account Holder (“AH”).
- The domain must be suspended or the registrar must provide proof of manual verification.
- 1st notice response deadline will remain 15 business days.
- Beginning with the second notice, ICANN will inquire why registrars did not suspend or delete registrations.
- 2 concurrent parallel tracks

# Whois Inaccuracy Example

## 2013 RAA



# Whois Format Requirements

## 2013 RAA

- Whois output must match sample in Registration Data Directory Service (Whois) Specification
- 5 common Whois formatting problems identified by ICANN:
  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)

# Registrar Information Specification

## Section 3.17 & Registrar Information Specification (2013 RAA)

- Must provide ICANN completed RIS after execution of RAA
- Additional website posting requirements (contact information, officer information, and parent entity)
- Most typical issues:
  - Not providing supporting documentation per RIS Section 6 demonstrating the entity is in good standing
  - Providing incomplete information

# 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



# Registration Data & Records

Sections 3.4.2 & 3.4.3

Registrars are:

- Required to maintain and provide registration data and records of written communications
- Registrars are responsible for maintaining data and documents and providing them to ICANN regardless of the business model (reseller)
- Registrars under 2013 RAA may retain/provide less records per Data Retention Waiver, or by providing specific details to ICANN of law/regulation prohibiting such retention/disclosure

# Privacy/Proxy Services

## Section 3.4.1.5 and Specification on Privacy and Proxy Registrations (2009/2013 RAA)

- 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
- Must verify/validate Whois data as required by 2013 RAA

# Agenda

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- 2013 RAA Discussion and Clarification
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- Question & Answer Session

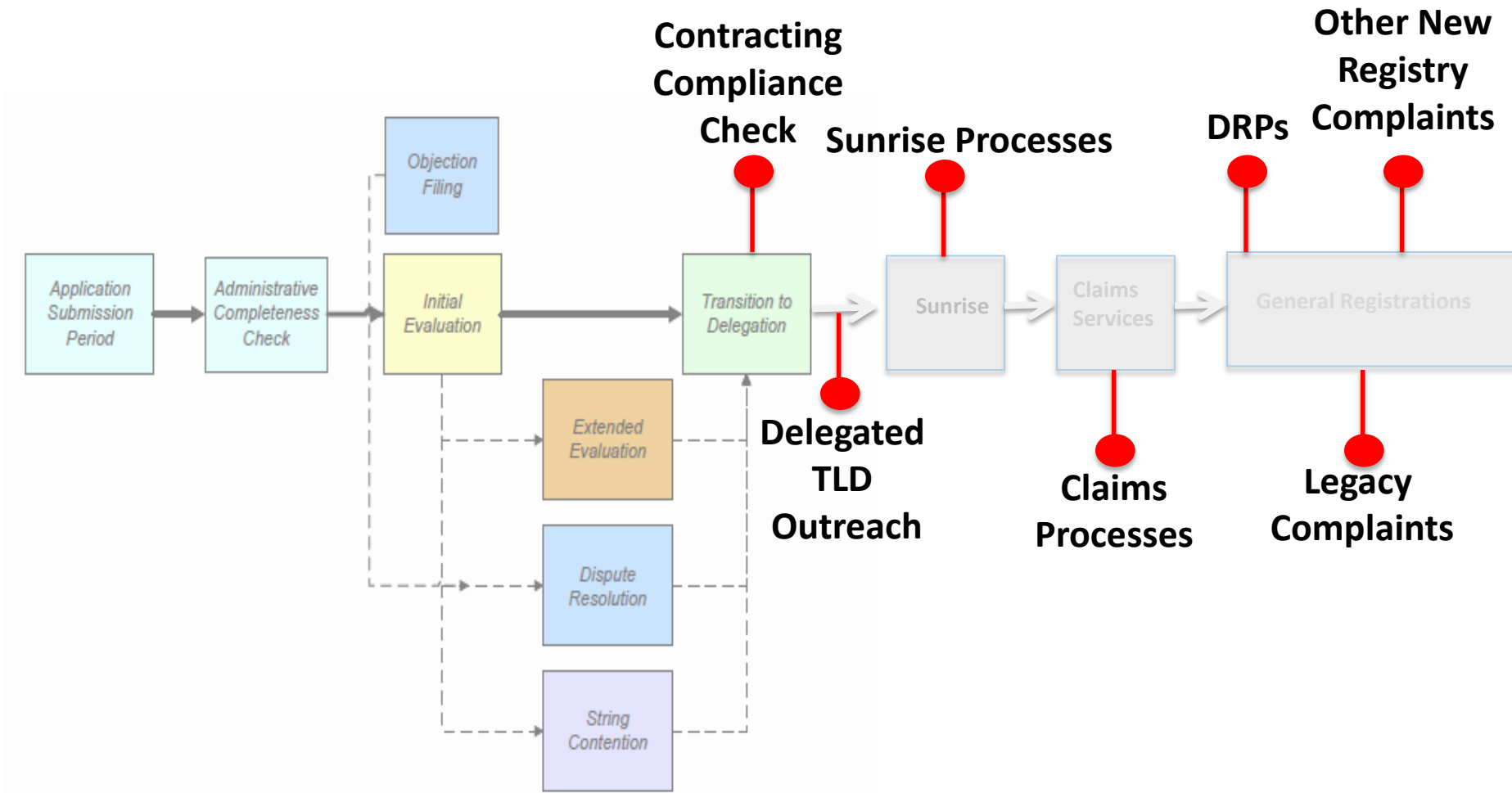
# Compliance Scope

- The [Registry Agreement](#) and applicable [Consensus Policies](#)
- The Dispute Resolution Procedures
  - Public Interest Commitments
  - Community Registration Restrictions
  - Trademark Post-Delegation
  - Uniform Rapid Suspension
- The Sunrise Processes
- The Claims Services Processes
- The Audit is limited to the representations and warranties in Article 1, and the covenants in Article

2

# New Registry Agreement Efforts

## Applicant Guidebook Timeline



Link to ICANN.org:

<http://www.icann.org/en/resources/compliance/registries>



# Registry Complaint Types

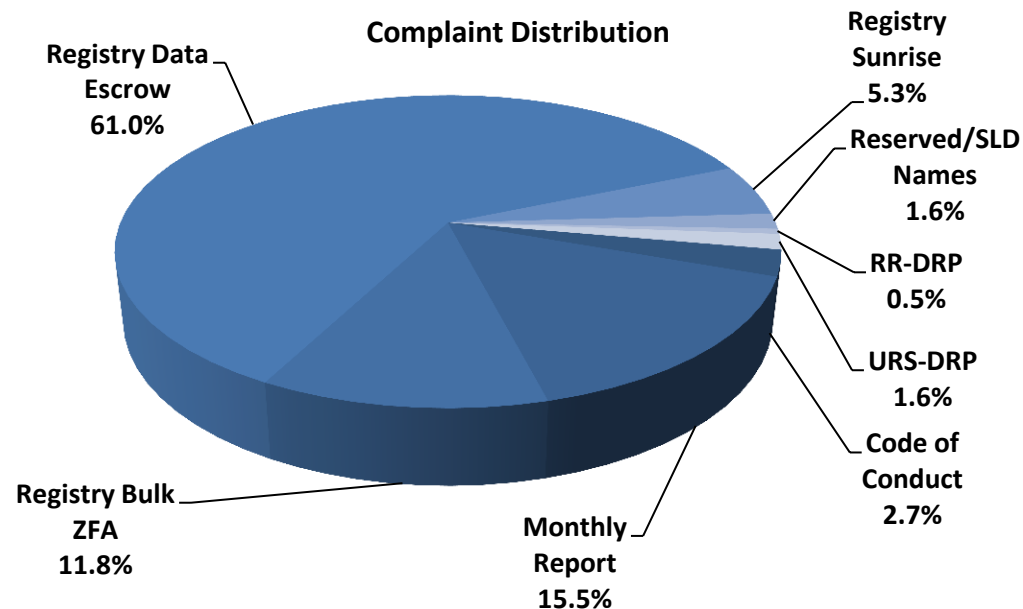
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|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>• Data Escrow</li><li>• Monthly Reports</li><li>• <a href="#"><u>SLA</u></a></li><li>• <a href="#"><u>Reserved Names</u></a></li><li>• Registry Fees</li></ul>                                                                                                                                                                                                                                                                                                                                                                                                                                        | <ul style="list-style-type: none"><li>• <a href="#"><u>Wildcard Prohibition</u></a></li><li>• <a href="#"><u>Abuse Contact Data</u></a></li><li>• <a href="#"><u>Registry Operator Code of Conduct</u></a></li><li>• <a href="#"><u>Trademark Claims Notice</u></a></li><li>• Continued Operations Instrument</li></ul> |
| <ul style="list-style-type: none"><li>• <a href="#"><u>Sunrise Processes &amp; Procedures</u></a></li><li>• <a href="#"><u>Centralized Zone File Access</u></a></li><li>• <a href="#"><u>Name Collision – SLDs Blocked</u></a></li><li>• Post-delegation Procedures<ul style="list-style-type: none"><li>• <a href="#"><u>Public Interest Commitments,</u></a></li><li>• <a href="#"><u>Registry Restrictions</u></a></li><li>• <a href="#"><u>Trademark Post-Delegation</u></a></li></ul></li><li>• Rights Protection Mechanism<ul style="list-style-type: none"><li>• <a href="#"><u>Uniform Rapid Suspension</u></a></li></ul></li></ul> | <ul style="list-style-type: none"><li>• <a href="#"><u>Failure to Notify ICANN</u></a><ul style="list-style-type: none"><li>• Officer/Board Member Conviction</li><li>• Bankruptcy</li></ul></li></ul>                                                                                                                  |

# Lessons Learned Since Launch of Newly Delegated gTLDs

- Registries must comply with their contractual obligations under the Registry Agreement upon delegation.

# Registry Complaints Data

Nov 2013 – Feb 2014



Registry TAT	(in days)
Avg TAT 1st Notice	5.1
Avg TAT 2nd Notice	5.0
Avg TAT 3rd Notice	n/a

Enforcements	
Volume Breach	0
Volume Termination	0

REGISTRY Complaints	Quantity
Code of Conduct	5
Monthly Report	29
Registry Bulk ZFA	22
Registry Data Escrow	114
Registry – Other	39
Registry Sunrise	10
Reserved/SLD Names	3
RR-DRP	1
URS-DRP	3
<b>Total Complaints Processed</b>	<b>226</b>
<b>Total Complaints Closed</b>	<b>71</b>



# Zone File Access Requirements

## Specification 4, Section 2 of the Base Registry Agreement

- Must provide to ICANN, bulk access to the zone files by 00:00:00 UTC
- Must provide zone data to the end users who request it through the Centralized Zone Data Service
- Must provide zone data to approved requesters (e.g. law enforcement agents, IP attorneys, researchers) upon technical delegation of its gTLD

# Uniform Rapid Suspension Requirements

## Specification 7 of the Base Registry Agreement

- Registry must lock a domain name in dispute under URS within 24 hours of receipt of Notice of Lock from URS Provider
  - If URS Provider submits complaint to ICANN, 1-2-3 expedited notices (24 hours each) to registry operator
- Registry must perform the steps in section 10.2 of URS procedure upon receipt of an URS Determination in favor of the complainant
  - ICANN enforces upon report by Complainant that prevailed

# Public Interest Commitments Requirements

## Specification 11 of the Base Registry Agreement

- Comply with mandatory and voluntary (as applicable) commitments
- CC conducts a preliminary review of the complaint to ensure that it is complete, has a claim of non-compliance with at least one commitment, and that the reporter is in good standing
- Registry and Reporter have 30 days to resolve dispute; if unsettled ICANN investigates or defer to Standing Panel
- Standing panel has 15 days to return a Decision to ICANN
- If Reporter prevails ICANN send notice of breach to registry operator and it has 30 days to cure

# Additional Resources

- Learn more about ICANN Compliance  
<http://www.icann.org/en/resources/compliance>
- Monthly Updates in 6 UN languages  
<http://www.icann.org/en/resources/compliance/reports>
- Compliance Metrics on MyICANN
- FAQ and complaint submission page  
<http://www.icann.org/en/resources/compliance/complaints>

# Thank You

Please send general questions:

To: [Compliance@icann.org](mailto:Compliance@icann.org)

Subject line: **ICANN49 Compliance Outreach Session**

Thursday

Contractual Compliance Registrar Outreach Session

9:00 - 10:30 at Morrison

Contractual Compliance Registry Outreach Session

11:00 - 12:30 at Morrison

# Compliance Performance Measurement

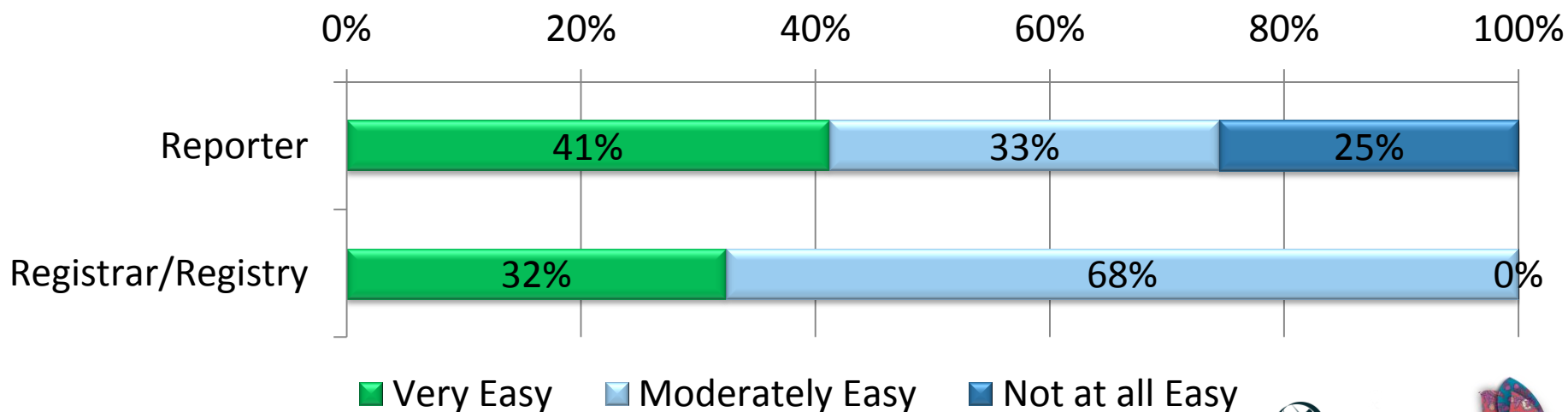
- Improve complaint closure rate by 10%
- Improve internal audit performance on the 45 control objectives by 20%
- Complete Year-2 Audit Program per schedule
- Compliance Readiness for 2013 RAA
- Compliance Readiness for new Registry Agreement

# Pulse Survey Results

Nov 2013 – Feb 2014

- Pulse Survey asks five customer satisfaction questions
- Pulse Survey URL link included in all Closure notification emails to Complaint Reporters & Registrar/Registry
- Reporter
  - Response rate: 1.8%
  - 74.5% answered favorably
- Registrar
  - Response rate: 0.8%
  - 100% answered favorably

## Overall, how do you rate the complaint experience?





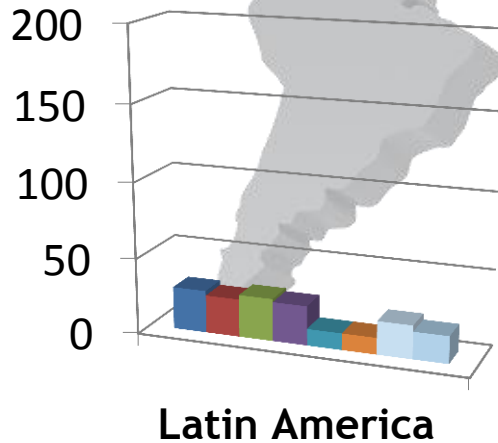
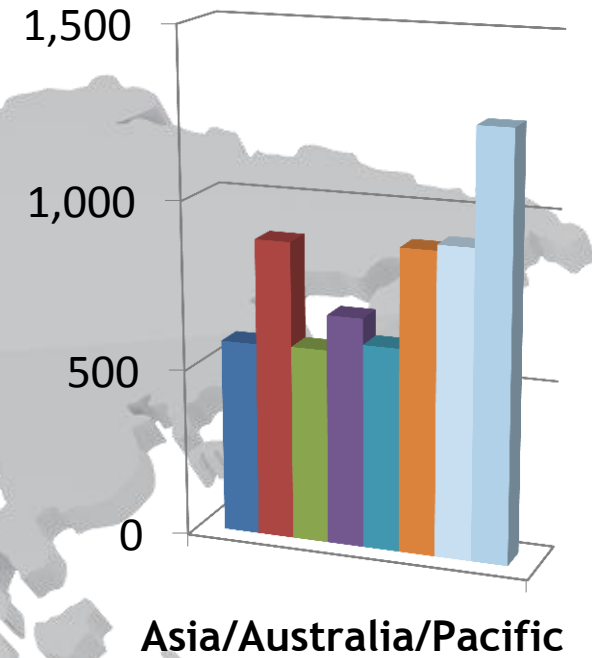
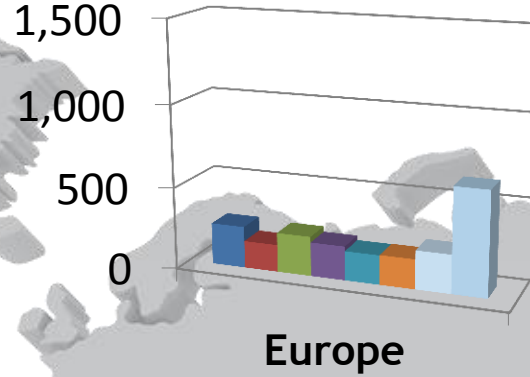
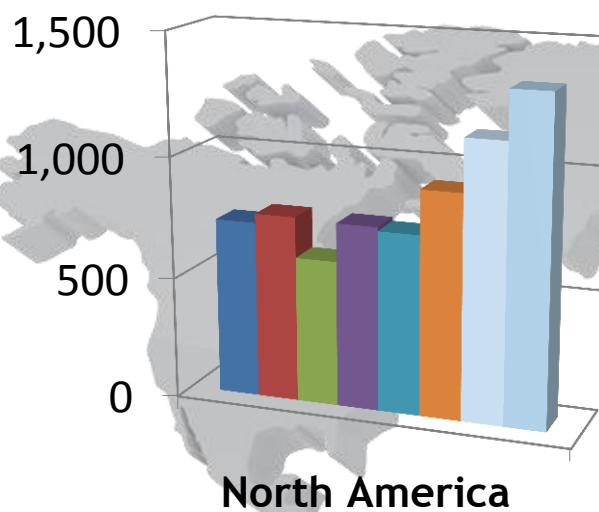


# FY14 YTD Metrics

## July 2013 – Feb 2014

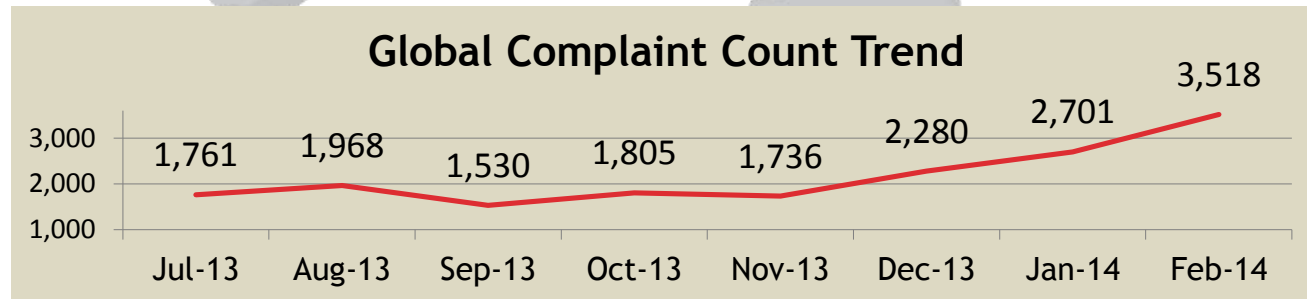


# Global Complaint Trend- July 2013 – Feb 2014



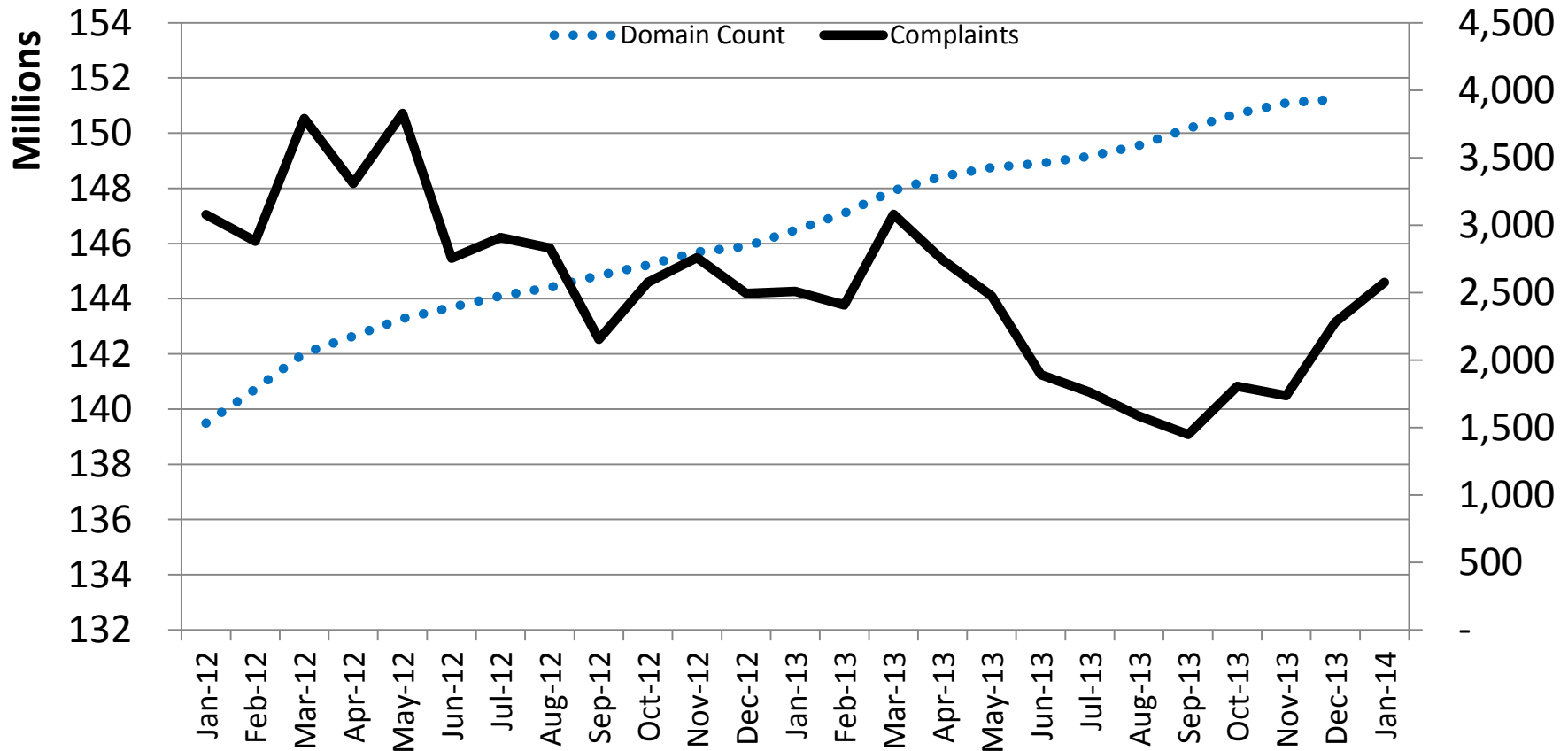
Jul-13 Aug-13  
 Sep-13 Oct-13  
 Nov-13 Dec-13  
 Jan-14 Feb-14

**Africa** - 4 complaints in Oct  
 1 complaint in Jan  
 4 complaints in Feb



# Global Trends - July 2013 – Feb 2014

## Domain growth vs. Complaint volume



# Complaints per Domain Volume

## July 2013 – Feb 2014

N. America	101.7M	6,877	.007%
	759	329	43.3%

Europe	23.5M	2,051	.009%
	169	119	70.4%

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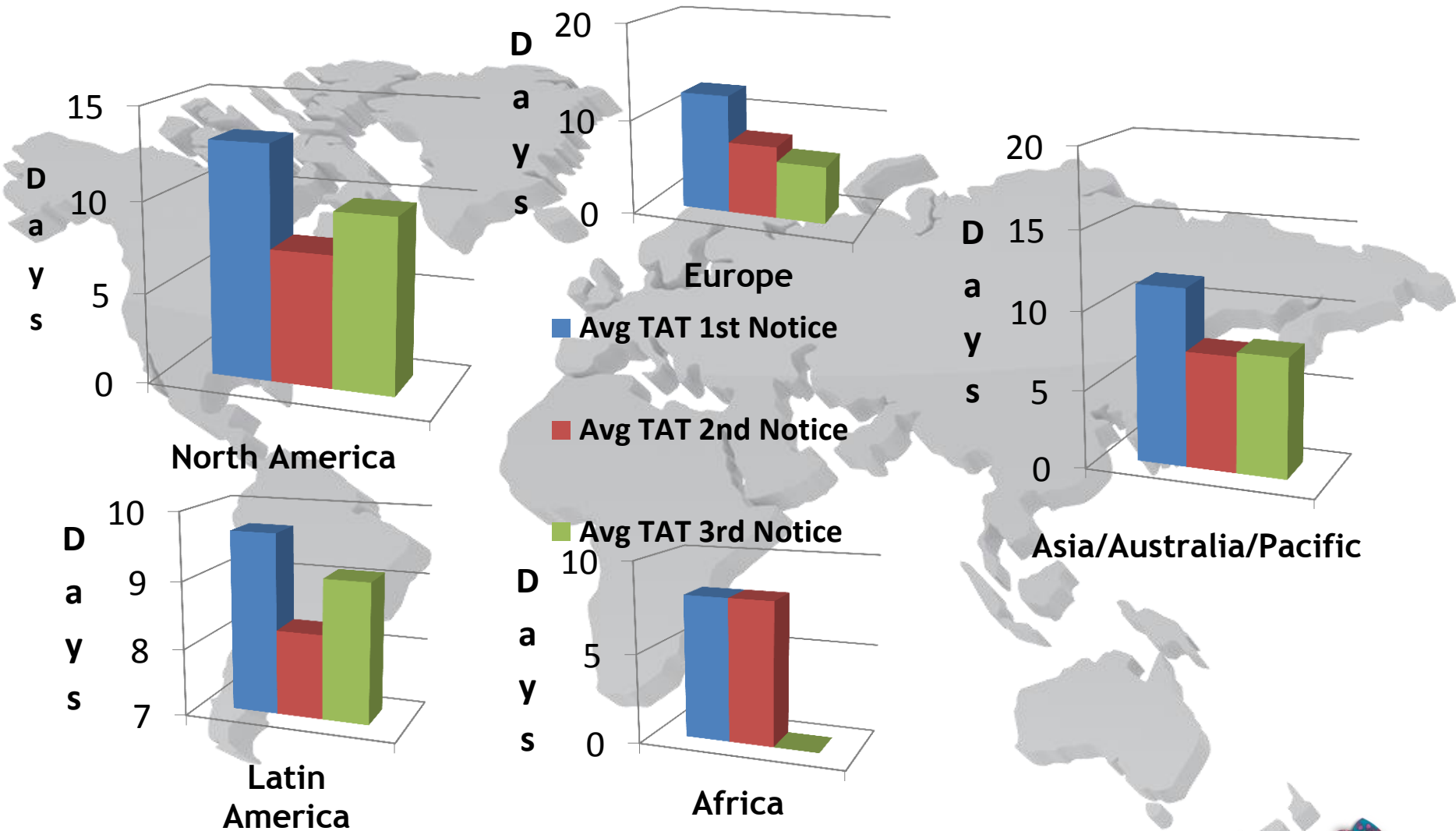
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LEGEND	November 2013 Domain Volume/Million	# Complaints	% Complaints per Domain Volume
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Note: “# registrars per region” data may contain some obsolete registrars but is retained for reporting history

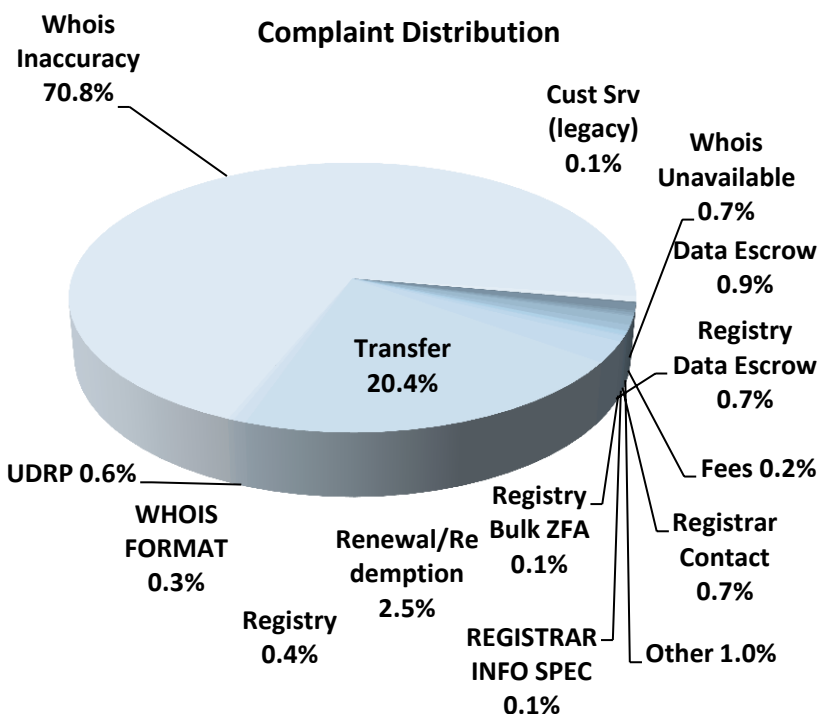
# Complaint Types & Phases

July 2013 – Feb 2014



# Contractual Compliance Scorecard

## July 2013 – Feb 2014

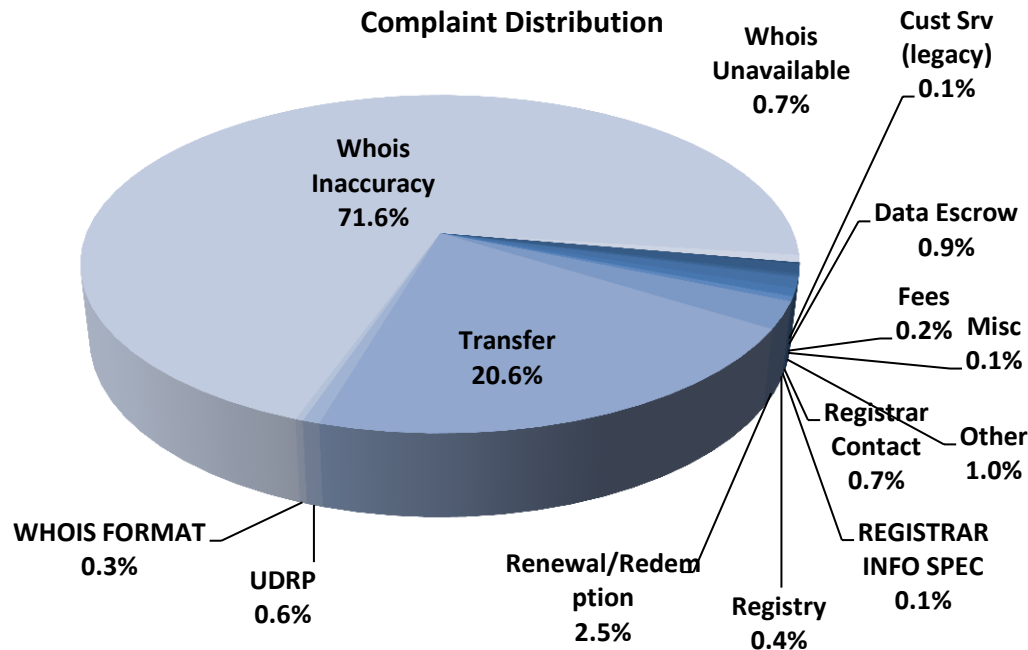


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Avg TAT 2nd Notice	7.4
Avg TAT 3rd Notice	8.2
CC Staff TAT - July-13 - Feb-14	
Avg TAT Open-1st Notice	1.7
Avg TAT 2nd WIP	2.5
Avg TAT 3rd WIP	6.2
Avg TAT Received-Closed	9.5

	YTD Complaints	Sub-total
REGISTRAR	17,041	
REGISTRY	258	
<b>Total New Complaints Received</b>		<b>17,299</b>
<b>Total Prior Months Carryover</b>		<b>5,918</b>
<b>Total Complaints Received</b>		<b>23,217</b>
<b>Complaints Closed</b>		
Volume Closed Before 1st Notice	6,906	
Volume Closed Before 2nd Notice	6,718	
Volume Closed Before 3rd Notice	1,330	
Volume Closed Before Enforcement WIP	146	
Volume Closed After Enforcement	61	
<b>Total Closed</b>		<b>15,161</b>
<b>Complaints Open (Carryover)</b>		
Volume Open Before 1st Notice Sent	2,841	
Volume Open in 1st Notice Sent	4,292	
Volume Open in 2nd Notice Sent	661	
Volume Open in 3rd Notice Sent	222	
Volume Open After Enforcement All	40	
<b>Total Remaining Open (Carryover)</b>		<b>8,056</b>
<b>Carryover- at end of period</b>	<b>1,686</b>	<b>1,686</b>
<b>Enforcements</b>		
Volume Breach	23	
Volume Suspension	2	
Volume Termination	6	

# Complaint Types & Phases

## July 2013 – Feb 2014



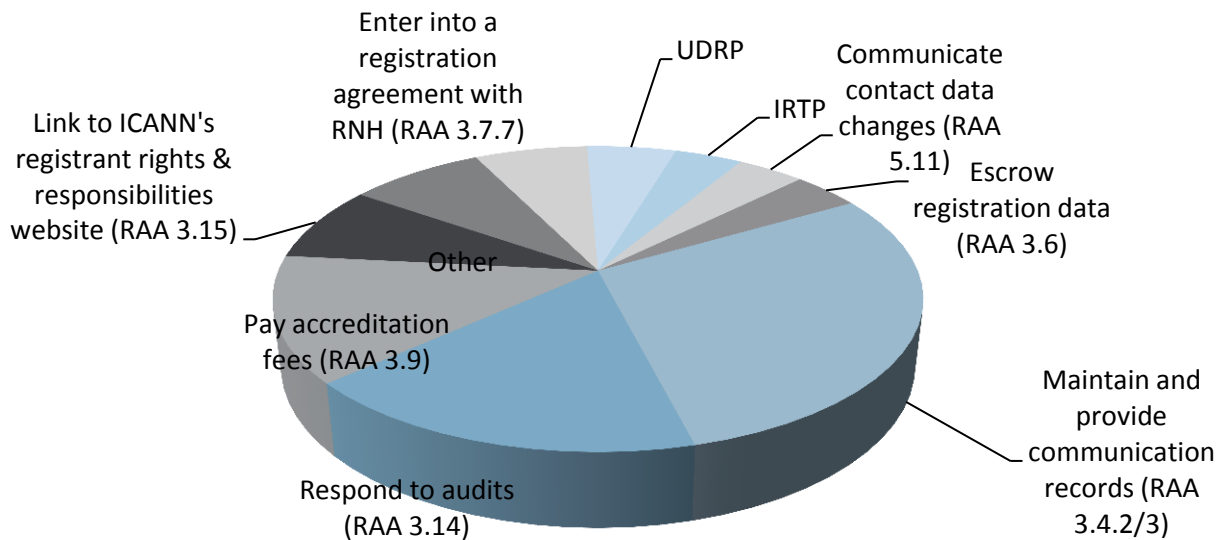
Registrar TAT	(in days)
Avg TAT 1st Notice	12.0
Avg TAT 2nd Notice	7.4
Avg TAT 3rd Notice	8.2

Enforcements	
Volume Breach	23
Volume Suspension	2
Volume Termination	6

REGISTRAR Complaint Type	Quantity
Abuse Contact Data	4
Customer Service (legacy)	24
Customer Service - Registrar	8
Data Escrow	151
Domain Deletion	8
Fees	41
Other	172
Privacy/Proxy	1
Registrar Contact	113
Registrar Info Spec	15
Renewal/Redemption	436
Transfer	3,533
UDRP	111
Whois Format	51
Whois Inaccuracy	12,252
Whois SLA	3
Whois Unavailable	118
<b>Total Complaints Processed</b>	<b>17,041</b>
<b>Total Complaints Closed</b>	<b>15,019</b>

# Enforcement Activity

## July 2013 – Feb 2014



Notices	Qty
Breach	23
Suspension	2
Termination	6

Breach Notice Reason*	Qty*
Failure Notice Reasons	65
➤ Cured	46
➤ Not Cured	19

\*A single Breach may contain multiple Notice Reasons.

Enforcement Notice Reasons	%
Maintain and provide communication records (RAA 3.4.2/3)	29.3%
Respond to audits (RAA 3.14)	17.3%
Pay accreditation fees (RAA 3.9)	13.3%
Link to ICANN's registrant rights & responsibilities website (RAA 3.15)	8.0%
Other	8.0%
Enter into a registration agreement with RNH (RAA 3.7.7)	6.7%
UDRP	5.3%
IRTP	4.0%
Communicate contact data changes (RAA 5.11)	4.0%
Escrow registration data (RAA 3.6)	4.0%