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SINGAPORE – Contractual Compliance Program Updates and Q&A Session
Wednesday, March 26th 2014 – 10:30 to 12:00
ICANN – Singapore, Singapore

MAGUY SERAD:	Okay, it's 10:30. Good morning, everyone. My name is Maguy Serad. Thank you for joining us. We couldn't have asked for a better room. They just gave us a huge room today.
	This is the Contractual Compliance Outreach Session that we have been conducting at every ICANN meeting on Wednesday morning. Speak louder? Wow, okay. Great. I will speak louder. Tell me if you can't hear me.
	For the audience, this session we are providing different languages. It's available in different languages, but also will have on our staff, who's also speaking Mandarin and Korean if there's a need for questions to be asked.
	So again, good morning, and thank you for joining us. With me in the audience, from the compliance team, I'm going to start with on my left is Sumi Lee, Owen Smigelski, Yungsheng Wang, and Roger Lim.
	The objective of our session today is to provide the ICANN community with an overall view of the compliance program across registrars, registries, performance measurement, and audit. Remember, those are the four functions for compliance.
	From a general update perspective, what we want to share with the audience is that compliance now has a global presence in Singapore and

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in Turkey. With LA, Singapore and Turkey, we are able to cover compliance activities in the three main hubs, and this allows to be really at work six days a week, 24 hours a day.

Since the last ICANN meeting, we have been successful in completing the 2013 RAA, and the New Registry Agreement Readiness Plan that we have committed to the community.

What that means, if you've been on the ICANN.org website, we have completed all that web forms that will allow the community to report a non-compliance or a perceived non-compliance issue to the compliance team.

We have also built and put on the website all the Learn Mores. Learn More also refers to Frequently Asked Questions. We have standardized and built all the required templates from communication templates, correspondence – everything – to be able to respond consistently and efficiently and effectively across the globe to any compliance need. And of course, we have completed the compliance staff training in the registrar and registry space.

The audit program that we communicated a year ago is a three-year audit program to baseline the current environment. So the scope of the audit program for year two is the same as year one, and will also be the same as year three in order for us to baseline the current environment.

So year two is now in the remediation phase. What that means is that the audit phase has been completed. The registrars and registries that were in the sample for this year two have submitted all the required documentation and information and now they compliance team has

completed the review of these documentations. And what we have done, we have initiated the reports back to the contracted parties to let them know what areas need to be remediated, or to let them know that they have completed the audit for year two. So we are now in the remediation phase.

Now everybody's been asking, "What about the new registry agreement?" Yes, they too will be audited eventually. What we are working on now, as you see in the last bullet, the team – our risk and audit manager – is leading the effort to complete an audit plan detailing which provisions and which areas need to be addressed, and how we're going to address it.

By ICANN 50, we will communicate at the ICANN 50 during the outreach session. We will provide you with details on not only the registry audit plan, but also an update and the results and the outcome of the audit program year two.

What I want to be clear on is that, as we are building this new registry audit plan before we present it to the community, the compliance team will conduct outreach sessions with the contracted parties. That is a very important step, so when we come back the community, we are aligned and everybody is clear on what we're going to do. So we get the contracted parties' input into the plan. We address their concerns and questions, and then we present it to the community so everybody's on the same page.

In the previous slide, I shared with you how the compliance team has completed the efforts for the 2013 RAA Readiness and the New Registry Agreement. This slide is important. I know sometimes people say, "Well,

why do you always report volume?" Well, volume can tell a good story. The story in the Learn More webpage views – look at the web page views we've had since we have added information.

What does that translate to? Forget it's 25,000. What that means is that we are trying to build a way where the community can come to the compliance webpage and learn what is the issue at hand. In the past, what we've found out is that some complaints we being filed without a true understanding of where, what and how. Through this, we have been able to filter and address complaints more efficiently and effectively because the ICANN community is more informed as they are filing the complaints with us.

On the bottom of this slide, not to diminish the importance of it, but it's also another webpage view hits that we monitor. If you guys remember a few meetings back when Fadi announced that part of increasing our transparency is to increase our reporting and the metrics, the ICANN community , through MyICANN.org has access to all the metrics at a statistical level for compliance. These are the metrics that we use to view the trending to report back to you as a community. We do have operational metrics and we do have registrar and registry specific metrics, but those are kept for us to be able to work ad collaborate with the contacted parties and address those issues.

Year two audit program timeline, I've added this slide in here. This is the consistent process that was used for year one. It will be used in year two and in year three. So again, transparency, consistency, the next phase ICANN 50 is the reporting and publishing of the year two audit program.

On the bottom of the screen, I would like to remind everyone in the audience how we continually follow the same process. So if you are a newcomer and this is your first time listening to compliance, the process that we built together starting in Dakar is the process that we are continually using. We continue to improve on the process by all means, but the foundation is the same.

We always have what we call the 1-2-3 Step. What that means is this is an opportunity for compliance to work with the contracted parties directly and address any non-compliance issues. It is directly between compliance and the contracted parties. It gives us the opportunity to address any issues and concerns because not every complaint we receive is a non-compliance or is a breach of a contract. We allow this collaboration to address and resolve.

Now, if by the third notice, even in the audit plan that doesn't happen, then there is a breach notice that is issued and published on the ICANN website. Through the breach notice, the community has access to the level of the timeline and effort that took place in 1-2-3 so the community, again, knows about it. So again, the 1-2-3 and the breach process is the same through the audit and any compliance areas we work with.

This slide is to give you an idea what was the scope for year two; the sample size and the number of impacted contracted parties across the ICANN community.

Now we're going to get to what we call the scorecard. The scorecard is another way of also transparency; transparency to the community, not necessarily on the volume, guys. It's more importantly on how are we

working towards continually improving our non-compliance, and also our turnaround and response to address the community complaints.

On the right slide, of course, it's like a checkbook. We have the total complaints received, and this is only reflective of November through February. March is not finished yet, and usually it takes us about five days to compile the data. But we will report those in our monthly updates.

So in the past few months since the last ICANN meeting, we let the community know the number of complaints received by contracted parties. But most importantly, if you focus on the first, second and third notice, our goal, once we stabilize and continue our effort and growth with the new registry agreements and the 2013 RAA stabilization, our goal ultimately, by partnering with the DNS engagement team is to hopefully not even reach a third notice, right? So we should, by proactively addressing some of the areas of concern, we eliminate a lot of those complaints. But for now, you can see this gives you a full view of the compliance process and the metrics around it.

On the left slide, we let the community know what is the average turnaround time by the contracted parties and also by the compliance team.

With this, I'm going to turn over the mic to Owen. Owen's going to be sharing with you 2013 RAA discussions and clarifications. We understand the audience is mixed, so it's not only focused on contracted parties. We're going to be addressing those topics as it relates to all of us ICANN community.

OWEN SMIGELSKI: Thank you, Maguy. What you see here is a breakdown of the global complaint trend for registrars, and it's done based upon the different regions that ICANN identifies, and you can see what the trending is and where that goes. This allows us to identify issues where we may need to do some outreach. We do targeted outreaches as required for certain areas and regions because we do notice sometimes that certain complaint types are prevalent more in some areas than others.

This is some further information which analyzes the different regions and shows where the complaint volume per registrar for that region are. And again, we use this data to target either specific registrars or regions. In fact, we'll be doing an Asia-Pacific registrar outreach on I think that's Thursday, which we'll be doing to address some of the issues that were identified for the Asia-Pacific region.

You can see here is our trend of complaints that we're receiving regarding the bottom. The blue is the registrar count. The red line is the number of complaints that we're receiving per month, and then the black line is the total gTLD registration and the data is showing that there's about a two month lag for complaint volume following the total gTLD registrations, and that's something that we'll continue to monitor and forecast.

This is a registrar dashboard which shows a summary of all of the registrar complaints from November through February. If you look at the different complaint types there, the ones that are in all capital letters are ones that are for the 2013 RAA, with the exception of the UDRP complaint. That's an acronym, so it has to be in all capitals. But

those are the legacy of the previous complaints that we had that applied to 2009/2001 RAA and are also applicable to the 2013 RAA.

If you look at the registrar turnaround time, that is for all complaint types. The complaint types with the 1-2-3 process we have a five business day deadline for each one except for WHOIS inaccuracy. That one is 15 business days, and so the average registrar turnaround time includes all of those complaints, so that's why the number is a little bit higher because it includes the 15-day turnaround.

This is a summary of the registrar enforcement activity since the Buenos Aires meeting – the number of registrars that received breaches or suspended or terminated as well as the enforcement notice reasons that they receive them. It looks like here they enlarged one as failure to maintain and provide records to ICANN, which covers several different complaint types.

This demonstrates where the volume is for us in terms of the various complaint types. If you look there, the first bar – the negative 4000 – what that's showing is the number of complaints that were actually closed before a first notice was sent to a registrar. There are a number of validations that the complaints undergo before they are sent to the registrar. Staff reviews them manually, so usually those are invalid complaints. Or if we requested the registrar to provide additional information, either they did not provide it or that was not sufficient. Then that goes on through and shows where the various volume is for complaints in there.

Something that the community had requested and we're now providing with the capability of all the complaints that are finally in our

consolidated complaint processing system are the reasons why complaints are being closed, and this reflects for ones that are being closed before first notice. There are some differences sometimes in why they would be closed, and you can see here some of the reasons why those complaints are being closed.

This is a little bit more of some general information regarding why all of the complaints for that particular type was closed. This was domain renewal. I won't go into these in detail. These slides will be made available on ICANN.org and the outreach for compliance, but this will give you an idea of why all these various complaints are being closed.

We do have all of our major complaints here identified. Some of the 2013 RAA complaints are new, so we don't have as much numbers on them to report. These closure codes go back until July, and the 2013 RAA complaints were integrated into our tool in February.

So now I'm going to jump in to the 2013 RAA complaint types. These are the twelve new complaint types that compliance identified from the new RAA, and these are all now in our complaint processing system, and there are forms online for the public to file these complaints with ICANN. If you want to go back and refer to these later, it identifies which sections are there. I'll go now and highlight a couple of them that might be of interest to the community.

One of the big things that the 2013 RAA has is the WHOIS accuracy program specification, which requires that certain information be verified and that certain information be validated for the WHOIS information, either when a domain is registered or when there's an WHOIS inaccuracy complaint received.

Some of the highlights that must happen is that a registrar must verify or re-verify e-mail addresses, and that's at the time of registration, as well as if there is a WHOIS inaccuracy complaint. If there is not affirmative response from the registry name holder or the account holder, then that domain must be suspended unless the registrar can do manual verification that they don't have to suspend for the account holder not doing an affirmative response, but they must do a manual verification.

The 2013 RAA does away with calendar and business days. Everything is calendar days, but compliance is going to maintain the 15 business days for WHOIS inaccuracy to give registrars lag time with weekends and whatnot for processing those complaints.

There are two concurrent parallel tracks that compliance is looking for for registrars now with regards to WHOIS inaccuracy complaints. At the top of the chart, you see that a WHOIS inaccuracy complaint is received and the registrar must verify the e-mail and take reasonable steps to investigate, as well as reasonable steps to correct the alleged inaccuracy. So the one track is where compliance is looking for the affirmative response to the e-mail verification, and the other track is that compliance is looking for to see that the WHOIS is updated as well as validated, that the domain name was suspended for no response, or that the information was verified correct and also validated.

Another thing that the 2013 RAA requires is that registrars for thin registries (.com, .net are the two big ones) provide WHOIS output in a standardized format, and that format matches the one that's required for the new gTLDs.

ICANN has identified several issues that registrars have with this, and we have been working with the registrars to make sure that they're compliant with the requirements for that WHOIS format.

Another thing that registrars must do is provide ICANN with additional information through the registrar information specification, and they also have to post some additional information online as well, too, such as their officers and the ultimate parent entity.

Another addition to the 2013 RAA are abuse reporting requirements, and there are two sections of that. One is for law enforcement, and for that the registrars must respond within 24 hours to a well-founded complaint, and they must do that seven days a week. They must also have law enforcement contact information available upon request. There's also another component where a registrar must take reasonable and prompt steps to investigate and respond appropriately to any report of abuse. There's nothing in the RAA that says that that must be somebody from a local jurisdiction. Any applicable jurisdiction may apply.

Also, we've noticed that some registrars have stated that they require a court order before investigating a report of abuse. However, if that is the position, then they must indicate to ICANN specifically which local law or regulation requires that. Otherwise, they must investigate that report and respond appropriately.

The 2013 RAA also changes the length of time that some of the data is to be retained, as well as some addition requirements. I know there's some ongoing discussions about that elsewhere, so I won't cover that here.

One thing that we have been noticing is some increased issues with registrars regarding privacy services and proxy services. There is a difference. Those are not synonyms. A privacy service shows the actual registrant's name, but with some alternative contact information, whereas a proxy service is considered the actual registrant itself and licenses the domain name to the beneficial user. A proxy service must be a separate legal entity from the registrar. The registrar cannot provide it themselves.

This I'm going to pass on to Sumi for the New Registry Agreement update.

SUMI LEE: Good morning. My name is Sumi Lee, and I'm a manager with contractual compliance working in the registry space. I will give you the general overview of what's happened since the last ICANN meeting in Durban. And this is the first meeting after Durban where we have delegated TLDs, so it is an exciting time for all of us.

Let's move onto the compliance scope. So the scope of what we do is related to the registry agreement and all applicable consensus policies. What you see here on this slide is the different areas that compliance monitors proactively, as well as the complaint types that we are ready to receive.

This is an overview of the timeline of the process and where we are in that process. As you can see, at the contracting phase, there is a compliance check that's done. At that time, there is the transition to delegation. Once they're delegated, there is an outreach process, and

then as you can see, the other processes: the sunrise claims, the DRPs, and the other new registry complaints and complaint types. Of course, we can't forget legacy TLDs. They are also monitored and we continue to receive any complaints that come in.

On this line, you can see all 40 complaint types, starting off with data escrow, monthly reports and it goes all the way down. One thing to note: some of these complaint types are internal, meaning that we generate those complaints. For example, data escrow is one. We do not receive complaints from the public about data escrow. We actively monitor that. And then we have the external complaint types, and those are the ones that we receive through our web form on our compliance page.

Now I'd like to turn to what lessons we've learned so far, and as everybody knows, this is whole new territory. These are some of the things that we've encountered that we want to share with the community, and one lesson – a big one – is that there's been perhaps some confusion about when the responsibility or obligations starts, and that's when the registry agreement – it's upon delegation, not when there are domain names registered.

This is our statistics on the complaints that we've had since November of 2013 to February. As you can see from the chart as well as the list of complaint types, because we are still in the early phases, we don't have any breaches or terminations. You can see our turnaround time over to the left. As you can see, we've had a total of 226 complaints processed, and then right below that, you see the number closed, then the

breakdown of each of the different complaint types that we have handled so far.

You can note that the data escrow portion will be bigger. It's 114, and that's based on since the first delegation back in October of 2013.

One area that we wanted to touch upon is the types of complaints that we've handled so far, and some of the key requirements that we want to highlight. So under zone file access, as you can see, the specification and the section that applies, but the zone file data must be accessible and it's based on 000 – basically UCT.

The URS – we have not had any complaints in this category, but we wanted to remind everybody what the requirements are, that registry must lock the domain name in dispute within 24 hours. That's an important takeaway. If the URS provider submits a complaint to ICANN, we again follow the 1-2-3 process, but in this case, it's expedited, so it's 24 hours. Each phase of our 1-2-3 process would be a 24-hour period.

Now this has been a hot topic so far, so we do want to go for that: the public interest commitments. It's under specification eleven of the base agreement. I don't know how many of you were there during the board meetings – but the mandatory and voluntary commitments are enforceable and applicable. They were within the base agreement, or within the registry agreements.

No. Let me see. Sorry, I don't know why it looks that way.

MAGUY SERAD: Please take us to slide 35.

SUMI LEE: Technical difficulties – oh, thank you. Second bullet point. We conduct a preliminary review of the complaint to ensure that it's complete, has a claim of non-compliance with at least one of the commitments, and that the reporter is in good standing. So we do that initial threshold check.

Once that happens, the registry and the reporter, they have then 30 days to resolve the dispute or not. And if it's not settled, ICANN investigates, or we will send this to the standing panel. The standing panel has 15 days to return a decision to ICANN.

The last bullet is important because if the reporter prevails, ICANN sends a notice of breach. So we are not going through our standard 555 notice process. We would then just send a notice of breach to the registry operator and then they would have 30 days to cure.

Those are some additional resources and the FAQs, as Maguy mentioned before.

MAGUY SERAD: Thank you, Sumi and Owen. With this, it concludes our presentation and now as we committed to you since the beginning of this outreach session, you will have plenty of time for questions from the audience. We have mics, and we also have translation services on staff and in the booth.

YUNGSHENG WANG: We have a question from the Adobe room from Steve Metalitz. The question is, "How is manual verification defined in terms of the 2013

RAA WHOIS accuracy specification? In other words, if an unverified registration is not cancelled but instead being manually verified, what must the registrar do, and how long can it take to do it?"

OWEN SMIGELISKI: Thank you, Steve. There are two components to that. I'm going to speak first to the account holder, which is kind of a main customer that can register our domains on behalf of other people. The manual verification, there is no time limit defined in the 2013 RAA. However, the registrar must perform that manual verification under.

For the registrant, or the registered name holder, there is that 15 calendar day window. That's it. If there's not manual verification by the end of that 15th calendar day, then on the 16th day, that domain must be suspended, even if the registrar is continuing to do manual verification.

Regarding the definition of manual verification, that is not something that is defined in the contract. However, it is something that compliance will look at one a case-by-case basis, and there have been several examples that we have given, such as if the customer has provided you with a copy of their driver's license. That would verify either an identity of an address. That could be considered manual verification. Or another possible example would be if the registrar maintains credit card information on file for payment for the domain name and there is address information that is stored with that and can be verified that way. Because that would not be an automatic verification, the registrar would have to do something manually for that that would satisfy that. Again, these are not exhaustive examples, but just some examples, and

ICANN will certainly consider other ones if the registrars provide that information.

MIKE PELAGE: Thank you. My question: on the chart I believe there were three instances of compliance with registries regarding the reserve name list. Could you perhaps elaborate on what types of inquiries were submitted and whether they've been closed?

SUMI LEE: This is the slide you're referring to?

MIKE PELAGE: Yes.

SUMI LEE: Yes. The reserved SLD –

MIKE PELAGE: Yes, the reserve name SLD.

SUMI LEE: Okay. Actually, in fact, those complaints were not specific to reserve names. I guess, to put it clearly, it was essentially an invalid complaint. It wasn't about a reserve name issue or an SLD block list issue. It just came through that particular form because the person submitting didn't understand it.

MIKE PELAGE: Thank you.

ALAN GREENBERG: Alan Greenberg, At-Large Advisory Committee. A couple of questions regarding the PIC enforcement. The first one is you use the term "in good standing." What does in good standing mean? You said that a complaint would be accepted and processed if the complainant is in good standing? Does that have a definition?

SUMI LEE: I don't think there was any definition. [inaudible]

OWEN SMIGELSKI: Alan, we have encountered in the past abusive or problematic reporters. In fact, one of the reasons why all the complaints are now manually processed by compliance before being forwarded to a contracted is there have been some people who have had abusive profanity, racial insults in there and there's no need for that. And we have actually on some occasions blocked those people after multiple warnings that they aren't able to submit these types of complaints and abuse the system and harass ICANN and registrars. So that's what means by reporter in good standing: somebody who's not banned from making submissions. To date, I think there's only person who that that's happened to the entire time.

ALAN GREENBERG: To be clear, I wasn't arguing that there might be people who are not in good standing, but I believe if you're going to use that term, you actually have to have a written definition of it somewhere. The parameters may be vague, but you need to carefully define it.

SUMI LEE: I believe the procedures actually define that. I'm trying to pull it up to give you the specific language, but it is in the procedures.

ALAN GREENBERG: Okay. The more substantive question is, because you made reference to the standing panel, I'm assuming you're talking about disputes filed under the dispute resolution process. The dispute resolution process requires that the complainant show material harm because of the violation. What processes do you have in place to enforce PICs if the complainant cannot demonstrate material harm to themselves?

SUMI LEE: I'm sorry. You're saying if they don't show material harm what do we do?

ALAN GREENBERG: The DRP requires I believe, last time I looked at it, that the complainant demonstrate material harm to be eligible to file a complaint – a dispute. The question is, what compliance processes are in place if the complainant cannot show material harm?

An example might be a consumer organization or a government who isn't harmed themselves, but is trying to protect people. It could be an individual user who recognizes that a statement made within the PIC is simply being blatantly ignored. The question is, what processes are in place other than the DRP to get those looked at?

SUMI LEE: We do the preliminary review and pass that on to the registry operator, so I'm not sure what additional processes you're asking about or –

ALAN GREENBERG: Sorry, but my understanding is, under the DRP, you will not pass it on unless the complainant has demonstrated harm.

SUMI LEE: Sure. So that would be on a case-by-case basis. I don't think we explain that in a vacuum. We would have to look at the facts and what is considered material harm would be based on what's alleged and the evidence that's provided by the complainant. But we would follow our process just like any other complaint.

ALAN GREENBERG: Okay. I think that translates to, if I simply say there is no material harm, that means you cannot submit under the DRP because the DRP requires material harm.

MAGUY SERAD: Alan, if I may take this, if you notice on bullet number two, again, we don't have data to be able to address to it factually. For the time, what we know is – and bullet two states – if we have a report that's filed, ICANN does a preliminary review to make sure that it's complete.

So to your point, if there's not a material harm, we will probably go back to the person and have them explain to use what is this complaint about. Where do you see the issue? We will have to have a better understanding of what is it we're trying to address and resolve so that we pass it onto the registry operator and to the reporter to work through it per PIC DRP process. So that's what we call a report that's filed.

What I had hoped that audience also heard earlier at the beginning of the presentation, in the next trimester and by ICANN 50, we're going to be detailing a lot more what does it mean to audit and the new registry agreement, and we're going to try to do a pilot or a review ourselves proactively on the PICs. Based on the TLDs that have been delegated, we're going to initiative a review – or if you want to call it a pre-audit – just to see what does the environment look like and what we're experiencing. We're not going to sit and wait on a report to come our way.

ALAN GREENBERG: Thank you.

KATHY KLEIMAN: Hi. I'm Kathy Kleiman with the Non-Commercial Users Constituency, and I wanted to say thank you. You explained some very difficult issues very

clearly, and I'll be circulating your slides. I thought you did an excellent job with them. Thank you.

They can't hear me. That's not a complaint I've ever gotten or anything exactly. So this is my question. It's kind of a simple question, but how many domain names have been revoked so far due to validation or verification problems? Thank you.

OWEN SMIGELSKI: Our complaint processing system we have introduced some automation to that, and it will automatically close complaints of WHOIS inaccuracies for ones that have been suspended. So that's one thing we track. But we don't have in our current system the ability to indicate why something was or not a verification or validation fail, and that would only be for a complaint that comes to ICANN. We don't have visibility to what's going on with the registrars on their own domain registration and things like that, but I think that would be something that would be more applicable to the WHOIS accuracy studies that are going on with that through the NORC report. And the PDP associated with that I know that's something that is anticipated to be included with that.

KATHY KLEIMAN: Thank you.

[MAX]:   [Max] [inaudible]. The question is related to centralized file zone access. The registry agreement says that the registry must enter into agreement with any Internet user. As an Internet user, I register to the site with the

purpose of going to check how it works. I saw a simple click-through agreement, which basically says that it was concluded on behalf of the registry. But the registry hasn't granted you the right to conclude any agreements on our behalf. It seems that this leads to the agreement between the parties like any Internet user and the website, or the ICANN on behalf. It's not legally binding, so they can do whatever they please to.

So the simple question is, is it possible to add to the procedure the ability for the registry to have a separate process of concluding an agreement, even a very simple web click-through agreement between the parties instead of generic "on behalf of any registry," which we cannot until you have a letter of autonomy or something, which we won't give? Thank you.

MAGUY SERAD: [Max], thank you for your question. I'm sorry. I cannot answer it today. But if you don't mind, can you send us the question in writing and we'll make sure we forward it to the right team who manages and oversees that area and they can respond to you and try to address it?

[MAX]:   The answer was, "Okay, it's a good idea to give us a letter of autonomy" power.

MAGUY SERAD: All ideas are good. Whether they're implementable and contractually binding is a different discussion. But thank you for your question and

your recommendation, but if you can send it in writing so we do not miss an element of your question.

[MAX]:   Thank you.

MAGUY SERAD: And the e-mail address is compliance@ICANN.org, and we will forward it to the right team members who address these areas.

[MAX]:   Thanks.

MAGUY SERAD: You're welcome.

STATTON HAMMOCK: Statton Hammock with Rightside. Maguy, Sumi and the compliance team, thank you very much for the presentation. It was very informative.

I have two questions, if I may. The first is related to the registry audit plan that you're going to present and announce at ICANN 50. You mentioned that between now and that time you'd have some outreach sessions. You come out to the registries and get some feedback as you bake that plan.

My first question is, what form do these outreach sessions going to take? Are they webinars? Are they meetings? What form do those take? And then I have a second question.

MAGUY SERAD:

Thank you for your question, Statton. We will follow the same process when we created this three-year program. What compliance is in the process of doing is finalizing the details. We will send to all the registry operators through the DNS engagement team an invite. In the past, we've done it through survey where people can select the sessions they want to attend. It's a closed session with the contracted parties only. So when we're focusing on the registry agreement, it will go to the registries. When it's a registrar, it only goes to the registrars.

Instead of a survey, what we're going to do now is send and inform the registry operators of the two to three sessions we're going to be conducting. That way can log in and follow us. It will be in the form of a webinar – Adobe. We will present the program, usually about ten to 15 minutes, and then leave about 45 minutes for questions.

At the end of the presentation, we always will leave an e-mail address, which is a compliance audit address to allow us to receive your questions and respond to them before an ICANN 50 meeting.

At this time, we are planning to conduct this – so the ICANN 50 is in June – in May to allow us time to address the questions, clarify them, and we can come to the community with a plan that's solid.

STATTON HAMMOCK: Thank you. Now I may I ask another question? On the registry complaints that you received so far, I saw that you had five complaints already related to the conduct. But as you know, the code of conduct has many specific elements, right? And so what I'd like to hear is, could you be a little more specific as to what kind of complaints you've received related to the code of conduct? Thanks.

SUMI LEE: Sure, Statton. It was actually in fact mostly related to not receiving it at all, and therein lies another lesson that we mentioned at the beginning: just knowing when the obligations start. That was the biggest issue. I apologize. During the presentation, I said, "Since the last ICANN meeting in Durban," but it was actually Buenos Aires. Sorry about that.

YUNGSHENG WANG: We have two questions from the Adobe room. Steve Metalitz's question: "Follow-up regarding manual verification. If it is carried out by consulting credit card information held by registrar, why is 15 days allotted into this process since registrar already holds this information? Shouldn't the deadline be much faster?"

OWEN SMIGELSKI: I just gave one illustrative example, Steve. It's not intended to be "the" method, and it does give the registrar that time to follow the procedure and contacted the registered name holder if they want. There's no expedited requirement in there that it must be credit card information that's used for the manual verification. We leave that open to the

YUNGSHENG WANG: And the second question is: Are you proactively enforcing the obligation under interim privacy proxy specification of the 2013 RAA to post the terms and conditions under which such services are offered, or are you depending on public complaints? If it is the latter, is there some centralized place where these postings are compiled, or does the public have to track down each registrar and each associated proxy service in order to see the posting obligations have been satisfied?"

OWEN SMIGELSKI: Thank you, Steve. That is currently something outside of the audit and the scope. However, sometimes there are compliance checks to see if there is compliance. But this is a complaint that we would primarily depend upon the community to submit to us. It is something we do encounter when we see a privacy proxy address in a WHOIS complaint, for example, but at this time there is no plans to do a review for that.

For the public complaints, if it's something that results in a breach, then that would be something that would be published on ICANN.org. However, up until that point, it's an informal resolution process, and that is kept confidential.

DIRK KRISCHENOWSKI: Dirk Krischenowksi from .berlin. That partly answers my question. So only when there's a real breach notice by you, then it's published that

there's a compliance issue with one case. Or the other compliance cases are not partners on a website or something like this? I saw that case with I think one of the donut rings which allowed eco.tld or something like this. I wasn't sure if that was published or self-published by the applicant or by another party then.

MAGUY SERAD: Let me address your first question. You're attending our session tomorrow, right, on the onboarding for new TLDs? I hope so. We will go in depth tomorrow about the process, and at what point and how do we exhaust the communication and the collaboration. As you heard yesterday in the registry stakeholder group meeting, the collaboration and working with the registry operators is in the 1-2-3 phase. That allows us to talk to you. You provide answers. If it's not satisfactory, you will get three opportunities. It's only between ICANN and the contracted party. If after the third notice it could be one of two things. The simplest scenario: if we do not receive any answer or not collaboration by the third notice, we will breach and it will be a breach that's going to be public on the website on ICANN.org, and it will have the chronology of the first, second, and third notices that went out and the e-mails, the e-mail address, and the phones that we've called on so that the public knows the activities that led up to a breach. But before a breach, we do not publish.

DIRK KRISCHENOWSKI: Okay.

MAGUY SERAD: Okay? So please join us tomorrow. We'll take that into much more depth because in the 1-2-3 process also, the first step is an e-mail. But in the second notice – as we all know, e-mail is overwhelming to all of us – the compliance team, after sending the second notice, usually waits two to three days and initiates a phone call to the contracted party. Registrar or registry, the process is the same. We initiate a phone call to make sure that you have received the inquiry or the notice and to address any questions there might be.

In the third notice, after we send the e-mail, we immediately fax and initiate a phone call. So we try to exhaust every communication means in reaching the contracted party before we reach a breach.

MIKE PELAGE: Hello. I apologize if this question has been answered previously. Can you give us any update on where ICANN is on the RFP for the PIC panelist? I know it was issued. Have those panels or those individuals been selected, or is that another ICANN silo to answer that question?

MAGUY SERAD: No, no, no. We haven't updated, but I'm sorry. I have a brain overwhelm here.

ROGER LIM: Based on our understanding, the panel will be decided and contracted before the ICANN 50 meeting.

MIKE PELAGE:	So when you say "panel," is it a group? How many people are we talking about?
MAGUY SERAD:	So this effort is led by Krista Papac and the DNS engagement team. We contribute to the process, but we do not lead it. If you want much better fact-based answers, I would recommend asking Krista.
MIKE PELAGE:	Krista. Okay, thank you.
MAGUY SERAD:	Please.
MICHELE NEYLON:	Good morning, Maguy, Owen and to all the lovely compliance people. Michele Neylon, Chair of the Registrar Stakeholder Group. I wasn't actually here for most of the sessions since I've been off dealing with DNSSEC stuff somewhere else. With respect you your 1-2-3 system and everything else, just from the registrar side – and I feel very confident speaking as Chair of the registrars – we appreciate that you do not start publishing at registrars every time you get a complaint.

I've heard from various quarters this week that certain groups would like to make out that ICANN compliance is dysfunctional, is not doing its job – all these crazy things – based on the fact that you are not publishing the names and the details of every single complaint that you get. |

I can assure you that if you did start doing that that we on the registrar side would not be particularly happy – and that's worded very mildly. I think actually the better term is we'd be furious. And then after we went through the stage of being furious, we would just start issuing legal actions against you for defamation, etc., etc., because a complaint is not the same thing as – I don't know, I'm not a lawyer – as a crime. I can be accused of doing something. That doesn't mean I actually did it.

The thing is it needs to be a collaborative effort. And sure, if we don't resolve it, then yes, you're entitled and you're meant to take action against us, and that is not an issue. But just make sure that people do understand that this kind of expectation that compliance start publishing everything is not acceptable.

And for the record, ICANN's compliance staff are super-responsive most of time. I e-mailed them at 4:00 a.m. local time. They got back to me about 8:30 this morning. That's not bad. Thanks.

MAGUY SERAD: Thank you, Michele, for your comment. What I would like to remind everyone in the audience is that when the compliance process was put together, it's true – I think I said that at the registrar stakeholder meeting this Singapore meeting is the anniversary of my three years with ICANN in a week. When I first showed up here in Singapore three years ago, we realized what were some of the challenges ahead of us, and I engaged with every stakeholder group within the ICANN community. Everybody was anxious to help compliance, and I thank them and I reminded everyone the only help we need from each stakeholder group within the ICANN community is a clarity to your

expectations. What is this stakeholder group about? What are your expectations, and how can we work together? That's the best help you can provide. Go away from the Singapore meeting. The compliance team, based on the feedback and the collaboration we had, we put together a draft of a process. We in Dakar circulated the process to everybody and in Costa Rica, and we got feedback from the different groups on how the process is going to be built and how it's going to operate.

So Michele, if there is a change to the process and if there is a request to change the process, it will have to circulate to all the stakeholder groups, and we need to understand the reason and we'll bring everybody into this forum. It's not a process that we built in silo. It's a process we put for everyone.

What I want to also highlight to everybody and remind everyone, not every complaint we receive is a valid complaint. We want to be given that benefit of doubt to be able to resolve issues, but believe me, we are on top of the issues. Actually, yesterday at the registry stakeholder group meeting, I think it was Jeff Neuman who jumped. He said, "We got delegated within eight hours. You sent us a first notice." I said, "Please get on the public forum and let the world know."

Now, good or bad, the reason I'm mentioning that is we will enforce the contract and at a minimum, as I've said to all the contracted parties, when you receive an e-mail from compliance, respond. You do not respond, we will get to the next level. I have furious registrars who called me when we breached them. "You're ruining our reputation.

Retract that breach. Remove it." And I said, "No, I will not. And I did not ruin your reputation. You did it to yourself."

We exhaust every communication channel to work with you and to give you that opportunity if there is a breach of the contract to fix it. And we're learning, especially now. We have so many new things on our plates. There are the current contract. There's the 2013 RAA. There's a New Registry Agreement. It's a learning curve, and it's going to be a ramp up for many of us, including compliance. So the process continues as it is.

Now, to the public, you want to know what happened in 1-2-3 process? Open the breach notice. In the breach notice, we tried to bridge that gap of where is this communication gap. In the breach notice at the bottom, after the explanation provided, you will find a chronology. In the chronology, it gives you the date of when the first notice went out to which e-mail address and when it was due. It gives you every step of the way that led to the breach. That's a lot of information that was not available before. So we hope with that chronology we have bridged that gap.

YUNGSHENG WANG: We have a question from the chat room. Steve Metaliz's question: "Will there be any opportunity for non-contracted parties to have input in the new gTLD registry audit program before it is presented at ICANN 50? You had said your webinars are limited to contracted parties. And thank you to the compliance staff for this detailed briefing."

MAGUY SERAD: Steve, I miss you in the audience. You can't do remote participation. We had not contemplated that, but what I would like to encourage, if you have an idea or a concern, send us an e-mail to compliance@ICANN.org. We will review it, and if it applies to the scope and the areas and we need clarification, we will reach out to you.

Again, if you look at the function of the audit, the function of the audit is not just conducted just based on the contract. We have a very qualified subject matter expert in risk and audit. We review. We do a risk assessment/risk analysis, and we build it based on what we're hearing. And every ICANN meeting we listen very carefully to everyone and built also an audit program that strengthens and will respond to the community concerns. So everybody's been concerned. It's been a hot topic on the PIC, so we're not going to wait for that audit to be completed. We're trying to kind of proactively see what are the concerns in the PIC and how to address them.

So Steve, the short answer: if you have something you want to share with us, please send it to the compliance e-mail. And the other short answer is, no, this is directly with the contracted party so that they understand what is the scope. We're not asking them for the scope. We're not asking the contracted party to tell us which provision they would like us to audit. No. They don't even have a choice in that.

We're telling them, "Here's the scope we're going to audit you on. Here are the elements that we need you to be ready to provide and answer. Here is the validation and that's what it means."

This is the scope of the outreach. It's not to scope the audit scope itself. It's more to collect and inform them what's coming their way and to try to provide opportunities for clarification.

ALAN GREENBERG: Thank you. Alan Greenberg, still a member of the At-Large Advisory Committee, but in this case, speaking purely on my own behalf. This is in response or follow-on to Michele's statement. And again, speaking on my own behalf, I would strenuously object to a suggestion that all complaints be published. I think, but I haven't thought it through, I might even object to all valid complaints being published. That is, those vetted by compliance and that you then follow on with the registrar.

On the other hand, I believe records of identification of registrars who have an abnormally large number of valid complaints, even if they are rectified once you pass it onto the registrar, but an abnormally large number of valid complaints compared to the number of total sponsored domains is something that I believe is of interest to the public. That is, registrars who have large numbers of valid complaints in respect to the number, which says they are different from the norm. That I would like to see published. Thank you.

MICHELE NEYLON: I'll just follow on. I'm glad he qualified that by saying, "In proportion to the number of domains." – no, I know you did. Alan, I totally – again, speaking as Chair of the Registrars, it is the proportion thing that is key because we as a quite small registrar, if we get one complaint, it's one complaint as of X number of domains. If you look at GoDaddy, GoDaddy

have X cubed or whatever. It's a totally different set. If you look at it as a percentage, that needs to be taken into consideration.

I know from some of the data that the compliance department shared with us when we were working on IRTP Part B – which is the Inter-Registrar Transfer Policy, for those of you who don't know all the acronyms – there were some registrars at the time that had a tiny number of registrations and a stupidly large number of complaints. It was obvious, and it speaks exactly to what Alan is saying. And I think we can agree on that. Thank you.

DIRK KRISCHENOWSKI: Again, just a question. Sometimes, we're in doubt if we are really compliant with a certain topic – let's say, cross-ownership or reserved names or specification, whatever. Should we give these questions to you or the customer support center then? Because the customer support center might not interact with you. We had the experience, but I'm not sure what to do.

MAGUY SERAD: Thank you for asking the question. I want to assure the audience, yes, we did have it and I think again it was mentioned in the registry stakeholder meeting yesterday how the right hand was not talking to the left hand at ICANN, and I thank the audience for bringing it up.

But what I wanted to do is assure you that now we do meet and we do talk before. So if you want to submit your question to the customer, it's fine. They will know if there's a need, they will send it our way. But if you also want to submit your question to compliance@ICANN.org, we

will also make sure we engage with other teams members within ICANN if it's not just a compliance issue. Okay?

DIRK KRISCHENOWSKI: So if I filed the questions through the customer support, I might use the key word compliance somewhere, so then they see it might be a topic you need to answer?

MAGUY SERAD: Yes. And to validate what I just said to you, I'm not going to put Michaela on the spot, but I may – Michaela, if you don't mind standing up. Michaela is the director for the customer support desk at ICANN. She's new, so don't bombard her yet, please. Don't scare her. We're happy to have her. But we have the compliance team and Michaela working constantly and collaborating. We even work with the DNS engagement team because sometimes it might still be within that area.

So we have to have the three areas working collaboratively to be able to provide the right answer and the right service to the ICANN community. Wherever you go, we'll answer you. That's a commitment. And let me tell you, if no one answers, send it to my direct e-mail. Is that good enough?

DIRK KRISCHENOWSKI: Okay. Yeah, it's fine. Thank you.

YUNGHSENG WANG:

We have a question from Chris Davis at Secure Domain Foundation. Question: "Does ICANN compliance have a plan to deal with large volumes of complaints in the future? We analyzed around 150,000 distinct malware samples per day, and around 90% of those malware samples are using domain names for their command and control infrastructure. To my understanding, under the 2013 RAA, there is a requirement for registrars to respond to abuse to stay compliant. I'm wondering if ICANN has a plan to deal with, say, 2000-3000 per day. We have no intention of flooding ICANN with complaints, but others might."

MAGUY SERAD:

Chris, thank you for your question. I want to ask you, were you at the ALAC session on Sunday? Alan Greenberg presented an opportunity for what we call a general bigger issue of a concern. So to answer your question – is ICANN prepared to receive a volume of complaints? – I don't know how to answer that. We're here. We're ready, and if we need to augment staff or change something, we will address that.

But if it's something of what I call more of a pattern or an issue that you know at a TLD level or within a registrar, you can send an e-mail and say, for example, "At this level we're seeing a lot of problems in this area," but you need to provide us some facts so that when we go to the contracted party, they can work with us in addressing that challenge.

OWEN SMIGELSKI:

If I could just add to that something. Chris, your questions says the 2013 RAA has registrars must respond to abuse to stay compliant. You do need to follow up with that registrar first with that abuse report, and if

they do not take the appropriate steps to respond or correct, then it can be a compliant with ICANN. But that's one thing we're doing to look for in those abuse reports that are submitted. Was the registrar contacted? If not, we'll require the reporter to contact the registrar first, and then if no action is taken, then it can be a complaint with ICANN.

MICHELE NEYLON: Again, I'm just responding actually to Chris. I'm also on the board of the Secure Domain Foundation. The first thing I think that people need to be reminded is that there are three contracts for registrars in the wild at the moment. The number of registrars in the 2001 RAA is obviously dropping all the time and will eventually hit zero fairly quickly – sorry, how many?

OWEN SMIGELSKI: There's one left right now.

MICHELE NEYLON: Okay. There's one left. Okay. That's actually a useful statistic. Thanks, Owen. So there's one registrar left on the 2001. There's a load of us on the 2009, and there's a growing number on the 2013. This abuse thing is specific to the 2013. It doesn't exist on the 2009. So Chris can follow up with me directly because he obviously has my contact information. Let's see if we can work it through, but please remember that the obligations are specific to the version of the contract, and just because you would like to see something there or something being an obligation doesn't make it so. Thanks.

UNIDENTIFIED MALE: Hello, [inaudible] Registrar speaking. Just a piece of advice for people trying to contract the registrar with abuse complaints, sending us a list with domain names that say, "These domain names are used for X. Please do something about that," doesn't usually help. It's not sufficient for us to investigate the issue. We need hard, clean facts to make it obvious that this violation is going on. Show us the violation in detail.

The clearer you can make it per domain name individually, the faster we can act and the better we can do something about the problem. Not everyone on the abuse team is trained for every kind of abuse, so when you, for example, have a botnet command and control center, show us. Show the evidence and we'll take care of it.

VOLKER GREIMANN: Thank you for that, and that is also something that we look for in those complaints to see whether that additional information was provided. Just stating, "Domain X is doing something bad," is not sufficient enough for an abuse report. The registrar does need some more information.

MICHELE NEYLON: Just adding to that, from our perspective – and this is speaking both as a registrar and as a hosting advisor – the staff that manage our abuse desk, they deal with a varying volume of tickets. Some days it could be one ticket. Other days it could be 200 tickets. What they need is – and I'm saying this to everybody in the room, everybody remotely – please, put the key information at the top of the report. Don't make us read through two pages of legal mumbo-jumbo. I don't care who your client

is. I don't care how many trademarks they have. All I want to know is the domain, the URL and the type of abusive. The other stuff? Add it afterwards, please. Don't put it at the top. Put the key bit at the top.

Kristina Rosette wants to say something now because I've obviously upset her. So I'd cede to Kristina.

KRISTINA ROSETTE: [inaudible]

JAMES BLADEL: Hi. James Bladel from GoDaddy. Just wanted to address a specific question that was raised from the remote. I'm sorry I missed the name, but it was the remote participant. One of the changes that was involved in the 2013 RAA is registrars are now required to list their abuse point of contact in WHOIS output, and registrars who have signed on to that have modified their WHOIS output to contain that abuse. What we've found is that the volume of complaints submitted through those channels has skyrocketed. And I'm not talking up 20%. Hundreds of percentages – double or triple the number of complaints being received.

And complaints vary from, "I found a botnet command and control or a malware distribution point," to, "I hate your advertising," or, "Please give me a job." So everyone has a very wide and varied definition of what constitutes an abuse complaint.

I can tell you that the result is the number of complaints submitted has skyrocketed. The response time has gone up linearly, as you might

expect. Where we might have previously responded to complaints in a matter of a couple of days, now we're seeing that it's not unusual that five to ten business days is more likely, and this is a direct result of us trying to help ICANN. Attempting to help us by posting that abuse in the WHOIS contact has actually had the opposite effect and made that a polluted channel for abuse reports.

So, just an observation, and I know that other registrars have shared this as well.

KRISTINA ROSETTE: Kristina Rosette, ICP, speaking on my personal capacity. I get it, in terms of what Volker and Michele said about abuse reports. Here's my ask. I think it would be extraordinarily helpful, whether it would be compliance working with the registrar stakeholder group, registrar stakeholder group working internally to kind of come to an internal agreement as to, "From our perspective as registrars, here is kind of a standard format of what we would love to see. And at a minimum, here are the standard requirements we need."

If that gets done, I will promise you that we will distribute it to our list and to all of our members and to ask all of our organizational members, which in turn have tens of thousands of members, "Here's what you need to be using if you're going to use this channel." Because I get it. If I know what you need, that's going to make my job easier. It's going to make everybody's job easier, and less time is going to be wasted. So that's my ask. Thanks.

ALEX DEACON: Hi. I'm Alex Deacon. I just want to second that. I think that would be very helpful if we could come up with some best practices or a template of the minimum set of information that would be required to submit these and that you would even think over time if it makes sense we could XML-ize these things and automate them and the like. So I just wanted to agree with Kristina, and I'm happy to assist and volunteer if that does happen.

MICHELE NEYLON: Michele Neylon again, putting on a different hat. Within the APWG, there has been some work on this. I think there might have been something in MAAWG, as well, the Messaging Anti-Abuse Working Group. I don't know if Norm might know anything. Norm? I'm calling on Norm Ritchie, who, whichever hat he's wearing, he might be able to speak to this.

NORM RITCHIE: It's Norm Ritchie, also from the Secure Domain Foundation. We are trying to develop a specification with the registrars and the cyber security community on what would be required of various types of requests. The APWG is doing the same thing, and we're going to team up with them so there is hopefully just one. So we really invite any registrars to look at the APWG and go to the Secure Domain Foundation – it's posted right there – and supply some feedback on what will work.

MICHELE NEYLON: And just my last thing, if we can work this out on our side, then we're more than happy to share that with [Christine] and whoever else wants to send us valid complaints. Thank you.

MAGUY SERAD: Any questions in the queue? No. Any questions in the audience? This is a helpful session. There's my cheerleader on the [inaudible]

YUNGSHENG WANG: Oh, Maguy, we did have one question, actually. Sorry. Where can the PowerPoint presentation be downloaded?

MAGUY SERAD: Yes. All of the compliance presentations this week will be uploaded to ICANN.org. If you go to the compliance under resources, there's a compliance webpage: outreach. So under the outreach section compliance webpage, we will commit to uploading all of those no later than end of next week.

JEREMY ABLES: Sorry for waiting until the last minute. Jeremy Ables from IRR Registry Services. I just got a question. I'm a little interested in the data escrow complaints. I'm not sure complaints is the right term, but can you give me some context as to what a data escrow failure or complaint might be? I'm assuming it's an upload failure or the content is incorrect or something like that. I'm just curious as to what that might be, please.

SUMI LEE: I'm sorry, did you say data escrow for registries?

JEREMY ABLES: Registries, yes. Correct.

SUMI LEE: Yes. Again, as I said earlier to Statton, I think there were technical issues. Most of them were related to the failure to upload. So they were technical-related, not the actual data-related. And the notifications. Those were the two main areas.

JEREMY ABLES: Let me just follow up on that a little bit. Is there a methodology by which if compliance see a number of complaints or failures that are consistently happening, will that be communicated to registry operators so they can effectively self-regulate or get in front of the problem?

SUMI LEE: Well, as with any of the complaint types that compliance handles, we are always contacting our contracted parties, so yes, if there's an issue, we would contract the registry operator with the notice, alerting them to the specific issues, whether it's failure to receive the report or if there's a substantive issue. We do address that in our notice.

JEREMY ABLES: I'm more speaking more broadly for the community, I guess though. If let's say another registry operator or another backend service provider is filing in one area or has constant and it happens more than once or

it's a number of back ends doing the same thing, I'm just thinking it'd be useful to share that information so that everyone can see that – I guess there's probably IP that is potentially breached – but to get in front of the problem so that there is no continual breach of this compliance issue.

SUMI LEE: Sure. Actually, that's exactly what the lessons learned and we're going to go into more details in our session tomorrow, but that is where we provide to the community, to the registry operators our contracted parties. As to the bigger, broader picture of the issues we've seen, the areas we can work with the contracted parties to improve.

JEREMY ABLES: Great. Thanks.

SUMI LEE: Sure. Nothing else.

MAGUY SERAD: Any other questions? Feedback?

I want to thank each and every one of you guys for coming to our session. Like I said, this session is open for everyone. As you heard, we have registries. We have registrars. We have IPC. We have ALAC, and we have everybody else here.

The idea is for us to not just report back to you and be transparent, but also to engage in a dialogue so that we can have an appreciation to the

bigger picture that we're here about. We're here for ICANN. So by being together in this one forum, it's helping us dialogue and be transparent, but also understand the different challenges across from different perspectives.

Thank you for your participation, and we will publish this presentation on our website. Have a nice day.

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