Registry Outreach

Contractual Compliance| ICANN 52 | 12 February 2015

Agenda

⊙ Update Since ICANN 51

⊙ Registry Agreement Lessons Learned Summary & Guidelines

⊙ Process Guidelines & Clarifications

⊙ Policy Efforts

⊙ Performance Reporting

⊙ Questions and Answers

⊙ Contractual Obligations Guidelines

Update Since ICANN 51

Audit Activities since ICANN 51

- Year-three Audit Program launched in October 2014

  - 316 Registrars originally selected for audit including 5 Registrars rolled over from Year-two

  - 4 Registrars terminated prior to the commencement of the audit

  - 5 "legacy" Registry Operators included in audit

- New Registry Agreement Audit Program launched August 2014; completed December 2014; report published in February 2015

- 2014 Contractual Compliance Annual Report to be published in February 2015

- Reports can be found at: https://www.icann.org/resources/pages/compliance-reports-2014-2015-01-30-en
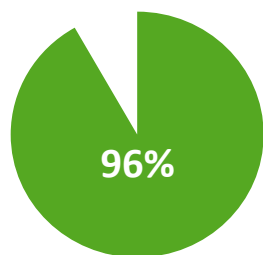
Public Interest Commitments Monitoring Results since ICANN 51

- 264 gTLDs monitored on Specification 11 of the New Registry Agreement

- Any noted deficiencies have been addressed via informal resolution process
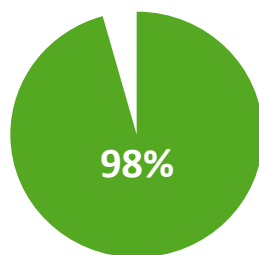
- No PICDRPs have yet been initiated
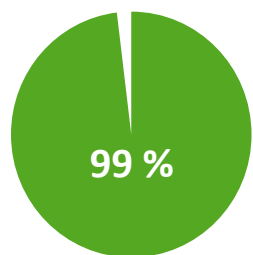
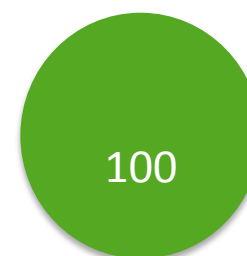| 99 %	96%	98%	100	100	100
Section 3(a): RRA with PIC3(a) Mandatory Provision	**Section 3(b)**: Conducting Security Threats Technical Analyses at the time of Inquiry	**Section 3(c)**: Registration Policies published on TLD's website	**Section 3(d)**: Generic TLDs not limiting Registrations	**Section 4 GAC-1** (as applicable): RRA with GAC-1 Mandatory Provision	**Selected Voluntary PICs:** WHOIS Audits Processes with LEA & Govt.

Registry Agreement
Lessons Learned Summary and Guidelines

RA Lessons Learned Summary & Guidelines

1 **Code of Conduct - Annual Certifications**
Clarifications on who executes the certifications and what to submit

2 **Abuse Contact Data**
Required elements to be published

3 **Zone File Access Requirements (CZDS)**
Reasons for denial of access

4 **Controlled Interruption**
Complying with Name Collision Assessment Letter(s)

5 **Improper Allocation / Earmarking**
Allocating domain names before Sunrise registrations

1. Code of Conduct Annual Certifications

Clarifications

◉ <u>Who Executes the Certification</u>

  ◉ "an executive officer of the Registry Operator"

◉ <u>What to Submit</u>

  ◉ Certification of Continued Compliance with Specification 13 Status

  ◉ Certification of Continued Compliance with Exemption Status

  ◉ Specification 9 Code of Conduct

    ◉ If vertically integrated and no Specification 13 or Exemption Status granted

2. Abuse Contact Data

Required Elements to be Published & Guidance under Specification 6

- Email address, mailing address and primary contact (may be role-based)

- On TLD's webpage referencing abuse reports: ensure valid email address, postal address and primary contact

- Many TLDs are publishing email address, but missing postal address and primary contact for reports by postal mail

- Links to abuse reporting forms ok, but forms must be *in addition to* publishing email address

- Must be evident that abuse reports may be sent to the general postal address being displayed, if used for abuse reporting

3. Zone File Access Requirements (CZDS)

Replying to Requests & Reasons for Denial under Specification 4

- Agreement is silent on when TLD must reply to requests for zone file access

  - Be reasonable, open and transparent

  - Establish, publish and adhere to policy that informs end-users by when they should reasonably expect a response

- Three reasons for denying access under Specification 4:

  - Failure to satisfy credentialing requirements of §2.1.2

  - Not providing correct or legitimate credentialing requirements of §2.1.2

  - Reasonable belief that requestor will violate terms of §2.1.5

4. Name Collision, Controlled Interruption

Complying with Assessment Letter(s) and Approved CI Methodologies

- Ensure compliance with Wildcarded Controlled Interruption or Wilcarded SLD Controlled Interruption

  - 4 Aug 2014 Assessment letter

  - 12 Sep 2014 SLD Variations Letter

- Ensure zone files are available for ICANN review

- Ensure no Second Level Domains on the SLD Block List are delegated

4. Name Collision, Controlled Interruption (CI)

1

TLDs delegated on or after 18 Aug 2014
- ◉ No activation of names (other than nic.tld) for 90 days after delegation
- ◉ The TLD chooses when to start Controlled Interruption
- ◉ Implement CI per Section 1 of Name-Collision Occurrence Assessment (the "Assessment")

2

TLDs delegated before 18 Aug 2014 and names activated other than nic.tld
- ◉ The TLD chooses when to start CI; meanwhile, blocking SLDs on Alternate Path to Delegation (APD) List
- ◉ Once CI starts, implement per Section II of Assessment and 12 Sep 2014 LD Controlled Interruption Variations
- ◉ After CI period ends, may release APD List per Section II (c) of Assessment

3

TLDs delegated on or after 18 Aug 2014 and no names activated, other than nic.tld
- ◉ The TLD chooses when to start Controlled Interruption
- ◉ Choose whether to follow Section I or II of the Assessment
- ◉ Implement CI per the chosen section of the Assessment

5. Improper Allocation / Earmarking

Trademark Clearinghouse RPM Requirements Sections 2.1.1 & 2.2.4

- Definition: to "Allocate" is to "designate, assign, or otherwise earmark" a Domain Name

- Subject to exceptions, Registry Operator cannot Allocate name to registrant that is not a Sunrise-eligible rights holder prior to Allocation or registrations of all Sunrise-Registrations

- Improper Allocation occurs regardless of sunrise preemption or whether the earmarked name was converted to a registration

Process Guidelines and Clarifications

Informal Resolution Process Guidelines

Notice

o Sent regarding an alleged area of noncompliance
o Proactive compliance monitoring (if above applies)
o Complaint from third party (upon validation)

Note: Subject line will indicate whether Notice or Inquiry

VS

Inquiry

o Information gathering is required
o No known compliance violation
o Proactive compliance monitoring effort (if above applies)

Note: Non-response to Inquiry may result in a Notice

Escalated compliance notices apply to compliance matters that:

⊙ Require immediate resolution
⊙ Are a repeat of a matter that was claimed to be previously cured
⊙ Are grounds for termination (e.g., insolvency, conviction, stability issue)

Informal Resolution Process – Clarifications

- ⊙ Deadlines are generated on UTC time

- ⊙ Due dates advance at 00:00 UTC

- ⊙ Staff processing 6 x 24 across 3 global hubs

    - ⊙ Notices or inquiries sent on same day may have different deadlines

Informal Resolution Process – Clarifications

NOTE: Early response allows for follow up and collaboration

⦿ ICANN will generally send a follow up for:

  ⦿ Insufficient response received before due date and time remains

  ⦿ Insufficient response received early and ICANN review/response past due date

  ⦿ Extension requested by contracted party by due date (with reason)

  ⦿ Clarification requested by contracted party before due date

⦿ ICANN will advance to next phase for:

  ⦿ No response from contracted party

  ⦿ Insufficient response received near or on due date

Informal Resolution Process – Contacts

ICANN staff uses various contacts in the informal resolution process

- Registrars: 1-2-3 notices sent to designated email contacts depending on complaint type; primary contact is also copied on 3rd notice and sent 3rd notice fax

- Registries: 1-2-3 notices and 3rd notice fax sent to compliance contact; primary contact and legal notice contact also copied on 3rd notice

- Reminder calls are made to contracted parties after 2nd and 3rd notices (if response is insufficient)

    - Primary contact for registrars and compliance contact for registries

    - Telephone numbers are encouraged to be direct lines (rather than general customer service lines), with voicemail

Communicating With ICANN

Tips for communicating with ICANN Contractual Compliance

- Whitelist emails from icann.org

- Check that your mail servers are not blocking emails from ICANN

- Reply to compliance notices ASAP and state what you are doing

  - But no later than notice deadline

  - Early response allows for follow up and collaboration if insufficient

- Do not change the subject lines in any way when responding to compliance notices

- Make sure response + attachments are less than 4 MB size total

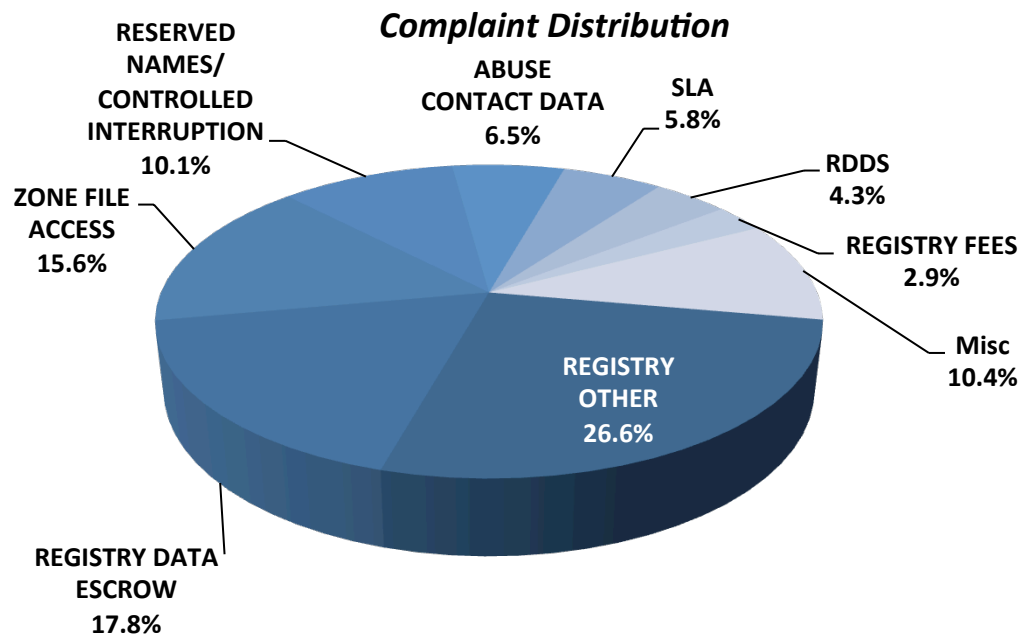# Policy Efforts and Updates

Policy and Working Group Efforts

Actively contributing to the following Working Groups

⊙ Public Interest Commitments Security Framework

⊙ Registration Data Directory Service (Advisory on Whois Clarifications)

Performance Reporting

Registry Complaint Type Volume: (Oct – Dec 2014)

Complaint Distribution

- RESERVED NAMES/ CONTROLLED INTERRUPTION 10.1%
- ABUSE CONTACT DATA 6.5%
- SLA 5.8%
- RDDS 4.3%
- REGISTRY FEES 2.9%
- ZONE FILE ACCESS 15.6%
- Misc 10.4%
- REGISTRY OTHER 26.6%
- REGISTRY DATA ESCROW 17.8%

Registry TAT	(in days)
Avg TAT 1st Notice	6.4
Avg TAT 2nd Notice	7.1
Avg TAT 3rd Notice	11.0

Formal Notices	#
Volume Breach	0
Volume Non-Renewal	0
Volume Suspension	0
Volume Termination	0

REGISTRY Complaints	Qty
ABUSE CONTACT DATA	45
BANKRUPTCY	2
BULK ZFA	7
CLAIMS SERVICES	4
CODE OF CONDUCT	2
COI	1
MISCONDUCT	1
MONTHLY REPORT	9
PIC	17
PIC-DRP	7
RDDS	30
REGISTRY DATA ESCROW	123
REGISTRY FEES	20
REGISTRY OTHER	184
RESERVED NAMES/CONTROLLED INTERRUPTION	70
RR-DRP	18
SLA	40
SUNRISE	1
URS	3
ZONE FILE ACCESS	108
Total Complaints Processed	689
Total Complaints Closed	914

Registry Complaint Types & Top Closure Reasons: (Oct – Dec 2014)

DATA ESCROW:
Closure Reasons

- 1st deposit initiated 8.3%
- DEA notice fixed 25.0%
- Registry Operator notice fixed 33.3%
- Missed deposit resumed 33.3%
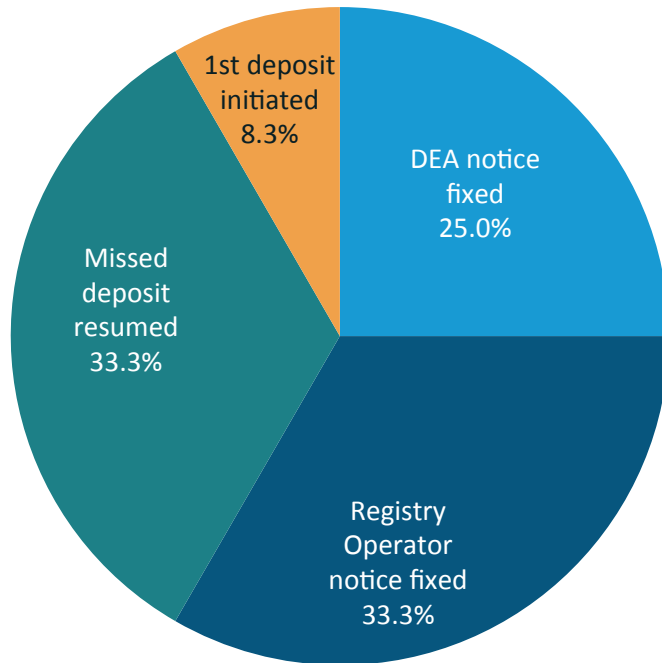
RESERVED SLD NAMES/CONTROLLED INTERRUPTION:
Closure Reasons

- Ry Fixed issue 76.5%
- Blocked SLD Confirmed 17.6%
- Ry Demonstrated Compliance 2.9%
- Reserved Name confirmed (Invalid) 2.9%
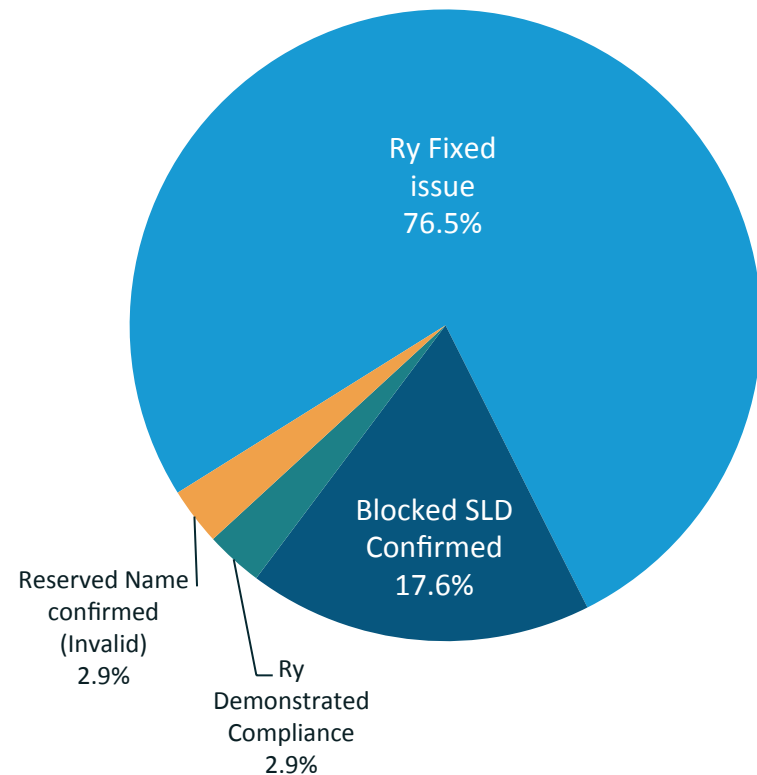
Registry Complaint Types & Top Closure Reasons: (Oct – Dec 2014)

ZONE FILE ACCESS:
Closure Reasons

Ry Fixed issue
79.1%

Duplicate complaint (open)
10.4%

ccTLD
3.0%

Ry Demonstrated Compliance
3.0%

Invalid TLD
4.5%
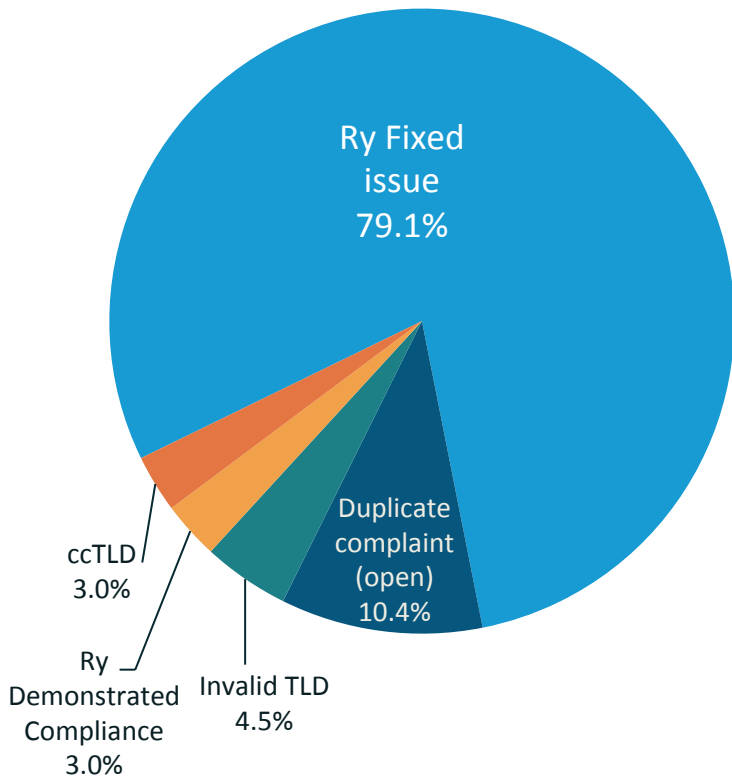
REGISTRY OTHER:
Closure Reasons

Complaint outside of scope (Ry)
50.0%

Incomplete or broad
25.0%

ICANN not a Registrar
25.0%
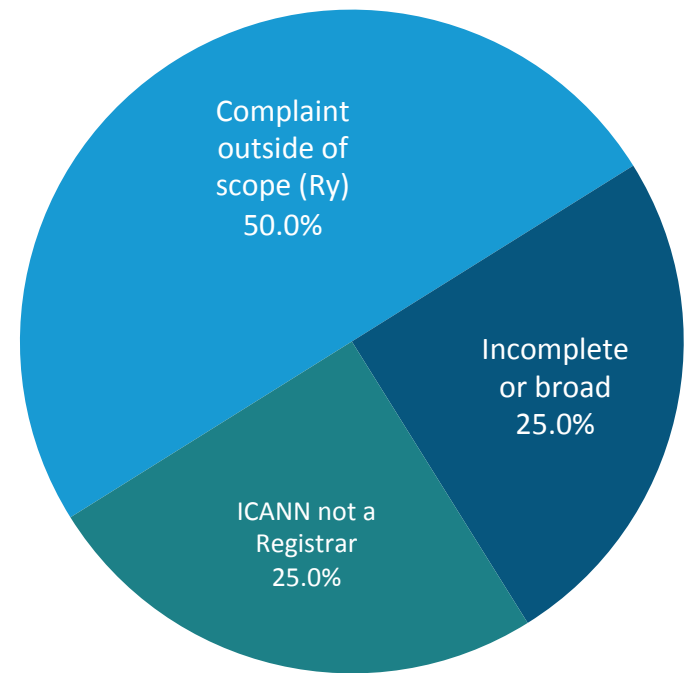
Registry Complaint Types & Top Closure Reasons: (Oct – Dec 2014)

SLA: Closure Reasons

- Ry Fixed issue 50.0%
- Invalid TLD 50.0%
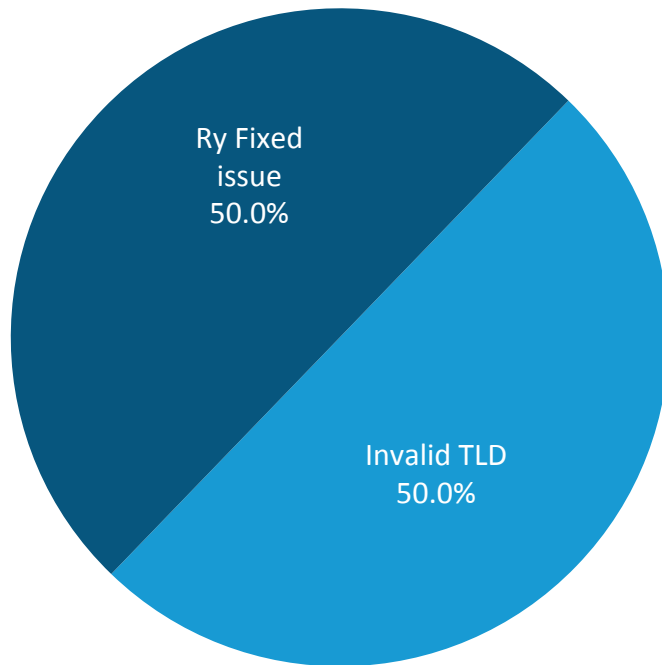
ABUSE CONTACT DATA: Closure Reasons

- Contact Data published 47.5%
- Ry Demonstrated Compliance 17.5%
- Invalid Ry 12.5%
- ccTLD 2.5%
- Ry Fixed issue 20.0%
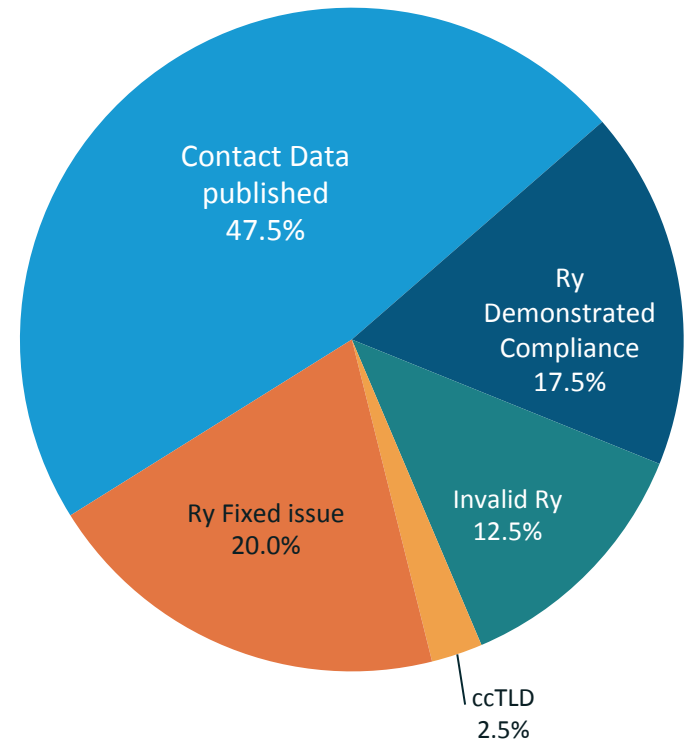
Questions & Answers

Send compliance questions

<u>To</u>: compliance@icann.org

<u>Subject line</u>: ICANN 52 Registry Outreach Session

Registry Program 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

Selected Obligations Due Upon Signing of the RA

- Comply with [Temporary & Consensus Policies](#), as applicable (Spec 1)

- [Reserve Special Domain Names](#) (Spec 5)

- Meet [Interoperability/Continuity Standards](#)(Spec 6)

- Implement [Rights Protection Mechanisms](#) (Spec 7)

- Maintain [Continued Operations Instrument](#) (Spec 8)

- Comply with [Code of Conduct](#) (Spec 9)

- Comply with [Public Interest Commitments](#) (Spec 11)

- Implement [Community Registration Policies](#), as applicable (Spec 12)

- Pay [Registry RPM Access Fees](#) (Article 6)

- Comply with Name-Collision Occurrence Assessment

Selected Obligations Due Upon Delegation

- Ensure Daily Escrow Deposits are made and that Escrow Agent delivers daily verification notifications (Spec 2) & Registry notifies ICANN

- Submit Monthly Reports (Spec 3)

- Operate a WHOIS service & web-based RDDS per Spec 4

- Grant access to ICANN of daily Zone File (Spec 4, Section 2.3)

- Grant access to ICANN of weekly Thin Registration Data (Spec 4, Section 3)

- Maintain Registry Performance (Spec 10)

Comply with Temporary & Consensus Policies

⊙ Consensus Policies are developed by the community and adopted by the ICANN Board

⊙ Temporary Policies are ICANN Board-established specifications or policies necessary to maintain stability or security of Registrar Services, Registry Services, DNS or Internet

Reserved Names

Article 2.6 & Specification 5 of the Registry Agreement

- In part for Registry Operations and Marketing

- Other Requirements

  - Two-character labels at the second level (unless otherwise approved by ICANN)

  - Names on the list of Inter-governmental organizations (IGO), at the second level

  - Names on the list of International Olympic Committee, International Red Cross & Red Crescent, at the second level

  - Country and Territory names at all levels (and IDN variants as applicable)

Registry Interoperability & Continuity Specifications

Specification 6 of the Registry Agreement

- Compliance with Standards: DNS, EPP, DNSSEC, IDN, IPv6, IDN Tables
  - Comply with relevant Request For Comments (RFC)
  - Sign the TLD zone files implementing Domain Name System Security Extensions ("DNSSEC") sign its TLD zone files implementing Domain Name System Security Extensions
  - Comply with the ICANN IDN Guidelines
  - Accept IPv6 addresses as glue records in its Registry System and publish them in the DNS
- Comply with Approved Registry Services & Wildcard Prohibition
- Establish a Business Continuity Plan & Conduct Annual Testing
- Publish Abuse Contact Data & Establish Process for Malicious Use of Orphan Glue Records
- Requirements about Initial & Renewal Registrations
- Comply with Name Collision Occurrence Management

TMCH Rights Protection Mechanisms (RPM)

Specification 7 of the Registry Agreement

⊙ Comply with Trademark Clearinghouse Rights Protection Mechanisms Requirements

⊙ Comply with all dispute resolution procedures

  ⊙ Uniform Rapid Suspension

    ⊙ Lock domain within 24 hours of notice by URS provider and perform actions required upon notification of URS decision

  ⊙ Registry Restriction Procedure and Trademark-Post Delegation Procedure

    ⊙ Perform remedial actions if reporter of dispute prevails

Registration Restriction Dispute Resolution Procedure

Specification 7 of the Registry Agreement

- ⦿ Comply with community registration policies per Article 2.19 and Specification 12

- ⦿ ICANN conducts preliminary review of complaint to ensure it is complete, has claim of non‑compliance with at least one registration restriction and that reporter is in good standing

- ⦿ If report passes initial review, complaint is sent to Registry Operator; if dispute remains unsettled reporter may file complaint with approved Service Provider

Uniform Rapid Suspension

Specification 7 of the Registry Agreement

- Registry must lock domain 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 steps in Section 10.2 of URS procedure upon receipt of URS Determination in favor of complainant

  - ICANN enforces based on report by complainant that prevailed

Continued Operations Instrument (COI)

Specification 8 of the Registry Agreement

- COI must be be in effect for 6 years from effective date of Registry Agreement

- No amendment without ICANN approval

- If COI is terminated or not renewed, required to obtain replacement COI

Code of Conduct

Specification 9 of the Registry Agreement

- Provide registrars equal access to Registry Services

- No front-running

- Requirements for Registry Operators with cross-ownership

  - Must prevent unauthorized disclosures of Personal Data by Affiliated Registrar

  - By 20 January of each year: submit Code of Conduct Certification to ICANN signed by TLD Executive and with results of review

  - Separate legal entities and separate accounting books

Public Interest Commitments

Specification 11 of the Registry Agreement

- Comply with mandatory and voluntary (as applicable) commitments

- ICANN compliance can enforce PICs regardless of whether a PIC-DRP is filed.

- PIC-DRP: ICANN conducts preliminary review of complaint to ensure it is complete, has a claim of non‑compliance with at least one commitment, and that reporter is in good standing

- Registry and reporter have 30 days to resolve dispute; if unsettled ICANN investigates or defers to Standing Panel

- Standing panel has 15 days to return a decision to ICANN

- If reporter prevails ICANN sends notice of breach to Registry Operator and it has 30 days to cure

Community Registration Policies

Specification 12 of the Registry Agreement

⊙ Criteria for eligibility to register names

⊙ Methods for validating Community eligibility

⊙ Required to be member of specified Community

⊙ Procedures for resolution of disputes concerning compliance with TLD registration policies

Data Escrow

Specification 2 of the Registry Agreement

- Daily deposits by the Registry Operator

    - Sunday: full deposits to Data Escrow Agent by 23:59 UTC
        - Full deposit consists of entire set of registry database objects as defined

    - Monday-Saturday: differential deposits by 23:59 UTC (or full deposit)
        - Differential deposit includes all registry database objects that have been created, deleted or updated since previous full or differential deposit

- Registry Operator must ensure that Data Escrow Agent sends daily status notifications to ICANN per Section 7, Part B

- Registry Operators also sends daily notification of deposit to ICANN per Section 7, Part A

Monthly Reports

Specification 3 of the Registry Agreement

◉ Two reports are required

    ◉ Registry Functions Activity

    ◉ Per Registrar Transaction Report

◉ Registry Operator must provide one set per TLD, using API described in draft–lozano-icann-registry-interfaces, see Specification 2, Part A, Section 9, reference 5

WHOIS Service & RDDS

Specification 4, Section 1 of the Registry Agreement

⊙ Operate a Whois service

⊙ Operate a web-based Registration Data Directory Service

⊙ 15 February 2015 effective date for clarifications has been postponed

Daily Zone File Access

Specification 4, Section 2 of the Registry Agreement

⦿ Must provide to ICANN, bulk access to the zone files by 00:00:00 UTC

⦿ Must provide zone data to end users who request it through the Centralized Zone Data Service

Weekly Access to Thin Registration Data

Specification 4, Section 3 of the Registry Agreement

- ⊙ Must provide to ICANN, bulk access on the day specified during ONBIR

Maintain Registry Performance

Specification 10 of the Registry Agreement

⊙ Meet the service level outlined in the Service Level Agreement matrix of Specification 10

⊙ Maintain records for a period of at least one year