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

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

- **Who Executes the Certification**
  - “an executive officer of the Registry Operator”

- **What to Submit**
  - 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)

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

*Note: Subject line will indicate whether Notice or Inquiry*

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

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

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**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
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
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**
- Registry Data Escrow: 17.8%
- Reserved Names/Controlled Interruption: 10.1%
- Zone File Access: 15.6%
- Registry Other: 26.6%
- Misc: 10.4%
- RDDS: 4.3%
- SLA: 5.8%
- Abuse Contact Data: 6.5%
- Registry Fees: 2.9%
- Misc: 10.4%

**REGISTRY Complaints**

<table>
<thead>
<tr>
<th>Complaint</th>
<th>Qty</th>
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<tbody>
<tr>
<td>Abuse Contact Data</td>
<td>45</td>
</tr>
<tr>
<td>Bankruptcy</td>
<td>2</td>
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<tr>
<td>Bulk ZFA</td>
<td>7</td>
</tr>
<tr>
<td>Claims Services</td>
<td>4</td>
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<td>Code of Conduct</td>
<td>2</td>
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<td>COI</td>
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<tr>
<td>Misconduct</td>
<td>1</td>
</tr>
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<td>Monthly Report</td>
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<td>PIC</td>
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<tr>
<td>RDDS</td>
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<td>Registry Data Escrow</td>
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<tr>
<td>Registry Fees</td>
<td>20</td>
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<tr>
<td>Registry Other</td>
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<tr>
<td>Reserved Names/Controlled Interruption</td>
<td>70</td>
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<tr>
<td>RR-DRP</td>
<td>18</td>
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<tr>
<td>SLA</td>
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<tr>
<td>Sunrise</td>
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<tr>
<td>URS</td>
<td>3</td>
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<td>Zone File Access</td>
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<td>Total Complaints Processed</td>
<td>689</td>
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<tr>
<td>Total Complaints Closed</td>
<td>914</td>
</tr>
</tbody>
</table>

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

**DATA ESCROW:**
- Missed deposit resumed 33.3%
- 1st deposit initiated 8.3%
- Registry Operator notice fixed 33.3%
- DEA notice fixed 25.0%

**RESERVED SLD NAMES/CONTROLLED INTERRUPTION:**
- Ry Fixed issue 76.5%
- Blocked SLD Confirmed 17.6%
- Ry Demonstrated Compliance 2.9%
- Reserved Name confirmed (Invalid) 2.9%
- Missed deposit resumed 33.3%
- 1st deposit initiated 8.3%
- Registry Operator noTce fixed 33.3%
- DEA noTce fixed 25.0%
Registry Complaint Types & Top Closure Reasons: (Oct – Dec 2014)

ZONE FILE ACCESS: Closure Reasons

- Ry Fixed issue: 79.1%
- ccTLD: 3.0%
- Ry Demonstrated Compliance: 3.0%
- Invalid TLD: 4.5%
- Duplicate complaint (open): 10.4%

REGISTRY OTHER: Closure Reasons

- Complaint outside of scope (Ry): 50.0%
- Incomplete or broad: 25.0%
- ICANN not a Registrar: 25.0%
- Ry Fixed issue: 79.1%
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%
- Ry Fixed issue: 20.0%
- ccTLD: 2.5%
Questions & Answers

Send compliance questions
To: compliance@icann.org

Subject line: 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
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 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
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