ICANN | 52
Singapore
8-12 FEBRUARY 2015
Agenda

- Update Since ICANN 51
- Lessons Learned Summary
- Questions and Answers
General Update 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 audited
- 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
Updates related to Registrars & RAA Compliance efforts since ICANN 51
RAA Lessons Learned Summary

1. **Whois Accuracy Program Specification**
   - Distinguishing between verification and validation

2. **Abuse Reports Requirements**
   - Establishing investigative processes

3. **Domain Renewal Requirements**
   - Sending timely reminders to registered name holder

4. **General UDRP Issue**
   - Verifying with UDRP providers and preventing improper transfer

5. **Inter-Registrar Transfer**
   - Using the correct Forms of Authorization (FOAs)
2013 RAA: Abuse Reports Requirements

Section 3.18.1
- Registrars must:
  - Take reasonable and prompt steps to investigate and
  - Respond appropriately to ANY reports of abuse
- Reasonable steps may include:
  - Contacting the RNH of the domain(s)
- Appropriately varies depending on the facts and circumstances
- Whois data verification by itself is insufficient
- Court order is not required for registrar to investigate absent a specific local law or regulation provided to ICANN

Section 3.18.2
- Registrar must have dedicated abuse email and phone number in Whois output
- Reports of Illegal Activity must be reviewed within 24 hours by an individual who is empowered to take necessary and appropriate actions
- Reports can be from any applicable jurisdiction once reporter is designated by registrar’s local government as an authority
ICANN confirms that reporter sent abuse report to registrar abuse contact before sending complaint to registrar.

ICANN could request the:
- Steps taken to investigate and respond to abuse report
- Time taken to respond to abuse report
- Correspondence with complainant and registrant
- Link to website’s abuse contact email and handling procedure
- Location of dedicated abuse email and telephone for law-enforcement reports
- Whois abuse contacts, email and phone

Examples of steps registrars took to investigate and respond to abuse reports:
- Contacting registrant
- Asking for and obtaining evidence or licenses
- Providing hosting provider info to complainant
- Performing Whois verification
- Performing transfer upon request of registrant
- Suspending domain
Reasons for abuse complaint closure:
- Reasonable and prompt steps to investigate and respond appropriately to the report of abuse (section 3.18.1)
- Review law enforcement report within 24 hours (section 3.18.2)
- Abuse contact info or procedures published on website and in Whois
- Abuse records maintained
- Now monitoring abuse contacts
- Domain suspended/canceled
Quality Efforts Update since ICANN 51

- **Complaint processing quality assurance** – A quality process to periodically review consistency and accuracy of complaint processing.

- **WHOIS Inaccuracy Quality Review** – A quality process to periodically review and confirm compliance for suspended domains related to Whois Inaccuracy complaints.

- **Remediation Quality Review** – A quality process to ensure continued compliance after contracted party completes remediation to resolve informal or formal compliance matter.
Reviewed Whois Inaccuracy complaints that were closed due to Domain Suspended

Out of 1798 complaints sampled, found approximately 80% remained suspended

Number of Whois QR notices sent June 2014 - December 2014 decreased by approximately 60%
RAA - Complaint Types & Top Closure Reasons: (Oct – Dec 2014)

**Whois Inaccuracy: Closure Reasons**
- Domain suspended or canceled: 37.1%
- Complainant's own domain name: 23.6%
- Duplicate complaint (open): 14.6%
- Domain not registered: 13.8%
- Known Privacy/Proxy service: 10.8%

**Transfer: Closure Reasons**
- Auth-code provided/Domain unlocked: 35.1%
- Transfer completed: 18.3%
- Complainant not Transfer Contact: 8.0%
- Hijacking (email or control panel): 6.4%
- Duplicate complaint (open): 32.2%
RAA - Complaint Types & Top Closure Reasons: (Oct – Dec 2014)

**Domain Renewal: Closure Reasons**
- Registrar compliant: 42.5%
- Duplicate complaint (open): 20.0%
- Duplicate complaint (closed): 10.0%
- Customer service not in RAA: 20.0%
- Private dispute: 7.5%

**Whois Format: Closure Reasons**
- Format compliant at submission: 34.4%
- Duplicate complaint (closed): 29.1%
- Rr corrected format: 14.1%
- Duplicate complaint (open): 19.8%
- Customer service not in RAA: 20.0%
- Private dispute: 7.5%
- Domain Renewal: 10.0%
RAA - Complaint Types & Top Closure Reasons: (Oct – Dec 2014)

**Whois SLA: Closure Reasons**
- Duplicate complaint (open) 86.6%
- Rr compliant at submission 2.7%
- Invalid TLD 2.7%
- Invalid Rr 2.7%
- Customer service not in RAA 5.4%

**Domain Deletion: Closure Reasons**
- Duplicate complaint (open) 45.8%
- Domain still in DNS 25.3%
- Requested evidence not provided 12.0%
- Domain not suspended 12.0%
- Invalid TLD 4.8%
Updates related to Registries & RA Compliance efforts since ICANN 51
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 the 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.
RA Lessons Learned Summary

1. Code of Conduct Annual Certifications
   Clarifications on who submits 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
RA - Complaint Types & Top Closure Reasons:
(Oct – Dec 2014)

**DATA ESCROW:**
Closure Reasons

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

**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 Operator notice fixed 33.3%
RA - 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%
RA - 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%
- Ry Fixed issue: 20.0%
- Invalid Ry: 12.5%
- ccTLD: 2.5%
Policy Efforts and Updates
Policy and Working Group Efforts

- Provide compliance statistical data and trends to guide policy changes and ongoing implementation strategies
- Contribute to IRTP parts C and D working group efforts
- Support implementation of UDRP Rules revisions
- Participate in Thick Whois (registry) implementation and clarifications
- Whois ARS pilot
- Public Interest Commitments Security Framework
- Registration Data Directory Service (Advisory on Whois Clarifications)
Questions & Answers

Send compliance questions

To: compliance@icann.org
Subject line: Contractual Compliance Program Update
Performance Reporting

Please refer to this link for additional reports

https://www.icann.org/resources/compliance-reporting-performance
Registrar Complaint Type Activities: (Oct – Dec 2014)

### Complaint Distribution

- **WHOIS INACCURACY**: 79.3%
- **TRANSFER**: 18.0%
- **WHOIS FORMAT**: 4.7%
- **DOMAIN RENEWAL**: 2.1%
- **WHOIS SLA**: 1.5%
- **DOMAIN DELETION**: 1.3%
- **ABUSE**: 1.2%
- **DATA ESCROW**: 1.2%
- **WHOIS UNAVAILABLE**: 0.8%
- **UDRP**: 0.6%
- **FEES**: 0.6%

### REGISTRAR Complaints Table

<table>
<thead>
<tr>
<th>REGISTRAR Complaints</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>ABUSE</td>
<td>106</td>
</tr>
<tr>
<td>CUSTOMER SERVICE</td>
<td>36</td>
</tr>
<tr>
<td>DATA ESCROW</td>
<td>106</td>
</tr>
<tr>
<td>DNSSEC, IDN, IPV6</td>
<td>16</td>
</tr>
<tr>
<td>DOMAIN DELETION</td>
<td>116</td>
</tr>
<tr>
<td>DOMAIN RENEWAL</td>
<td>192</td>
</tr>
<tr>
<td>FAILURE TO NOTIFY</td>
<td>3</td>
</tr>
<tr>
<td>FEES</td>
<td>54</td>
</tr>
<tr>
<td>PRIVACY/PROXY</td>
<td>8</td>
</tr>
<tr>
<td>REGISTRAR CONTACT</td>
<td>23</td>
</tr>
<tr>
<td>REGISTRAR INFO SPEC</td>
<td>18</td>
</tr>
<tr>
<td>REGISTRAR OTHER</td>
<td>7</td>
</tr>
<tr>
<td>RESELLER AGREEMENT</td>
<td>24</td>
</tr>
<tr>
<td>TRANSFER</td>
<td>1647</td>
</tr>
<tr>
<td>UDRP</td>
<td>51</td>
</tr>
<tr>
<td>WHOIS FORMAT</td>
<td>429</td>
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<td>WHOIS INACCURACY</td>
<td>6083</td>
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<tr>
<td>WHOIS QUALITY REVIEW</td>
<td>28</td>
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<tr>
<td>WHOIS SLA</td>
<td>138</td>
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<tr>
<td><strong>Total Complaints Processed</strong></td>
<td>9,157</td>
</tr>
<tr>
<td><strong>Total Complaints Closed</strong></td>
<td>7,832</td>
</tr>
</tbody>
</table>

### Formal Notices

<table>
<thead>
<tr>
<th></th>
<th>#</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Volume Breach</strong></td>
<td>14</td>
</tr>
<tr>
<td><strong>Volume Non-Renewal</strong></td>
<td>0</td>
</tr>
<tr>
<td><strong>Volume Suspension</strong></td>
<td>1</td>
</tr>
<tr>
<td><strong>Volume Termination</strong></td>
<td>2</td>
</tr>
</tbody>
</table>

### Registrar TAT (in days)

- Avg TAT 1st Notice: 10.3
- Avg TAT 2nd Notice: 6.7
- Avg TAT 3rd Notice: 14.2

### Formal Notices

- **Volume Breach**: 14
- **Volume Non-Renewal**: 0
- **Volume Suspension**: 1
- **Volume Termination**: 2

### Total Complaints Processed: 9,157

### Total Complaints Closed: 7,832
Registrar Formal Notice Activity: (Oct – Dec 2014)

### Notice Reasons

- **Other**
- **Maintain and provide communication records (RAA 3.4.2/3)**
- **Display renewal/redemption fees (ERRP 4.1)**
- **Pay accreditation fees (RAA 3.9)**
- **Publish on website information required by the Registrar Information Specification (RAA 3.17)**

### Formal Notice Reasons

<table>
<thead>
<tr>
<th>Reason</th>
<th>Percent</th>
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</thead>
<tbody>
<tr>
<td>Maintain and provide communication records (RAA 3.4.2/3)</td>
<td>18</td>
</tr>
<tr>
<td>Display renewal/redemption fees (ERRP 4.1)</td>
<td>7</td>
</tr>
<tr>
<td>Pay accreditation fees (RAA 3.9)</td>
<td>7</td>
</tr>
<tr>
<td>Publish on website information required by the Registrar Information Specification (RAA 3.17)</td>
<td>7</td>
</tr>
<tr>
<td>Other</td>
<td>60</td>
</tr>
</tbody>
</table>

### Breakdown of Breach Notice Reasons

- **Failure Notice Reasons**
  - Cured: 45
  - Not Cured: 69

<table>
<thead>
<tr>
<th>Notices</th>
<th>Qty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Breach</td>
<td>14</td>
</tr>
<tr>
<td>Non-Renewal</td>
<td>0</td>
</tr>
<tr>
<td>Suspension</td>
<td>1</td>
</tr>
<tr>
<td>Termination</td>
<td>2</td>
</tr>
</tbody>
</table>

### Percent Breakdown

- **Failure Notice Reasons**: 114%
  - Cured: 45%
  - Not Cured: 69%
Registry Complaint Type Activities: (Oct – Dec 2014)

**Complaint Distribution**

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

**REGISTRY Complaints**

<table>
<thead>
<tr>
<th>Complaint Type</th>
<th>Qty</th>
</tr>
</thead>
<tbody>
<tr>
<td>ABUSE CONTACT DATA</td>
<td>45</td>
</tr>
<tr>
<td>BANKRUPTCY</td>
<td>2</td>
</tr>
<tr>
<td>BULK ZFA</td>
<td>7</td>
</tr>
<tr>
<td>CLAIMS SERVICES</td>
<td>4</td>
</tr>
<tr>
<td>CODE OF CONDUCT</td>
<td>2</td>
</tr>
<tr>
<td>COI</td>
<td>1</td>
</tr>
<tr>
<td>MISCONDUCT</td>
<td>1</td>
</tr>
<tr>
<td>MONTHLY REPORT</td>
<td>9</td>
</tr>
<tr>
<td>PIC</td>
<td>17</td>
</tr>
<tr>
<td>PIC-DRP</td>
<td>7</td>
</tr>
<tr>
<td>RDDS</td>
<td>30</td>
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<tr>
<td>REGISTRY DATA ESCROW</td>
<td>123</td>
</tr>
<tr>
<td>REGISTRY FEES</td>
<td>20</td>
</tr>
<tr>
<td>REGISTRY OTHER</td>
<td>184</td>
</tr>
<tr>
<td>RESERVED NAMES/CONTROLLED INTERRUPTION</td>
<td>70</td>
</tr>
<tr>
<td>RR-DRP</td>
<td>18</td>
</tr>
<tr>
<td>SLA</td>
<td>40</td>
</tr>
<tr>
<td>SUNRISE</td>
<td>1</td>
</tr>
<tr>
<td>URS</td>
<td>3</td>
</tr>
<tr>
<td>ZONE FILE ACCESS</td>
<td>108</td>
</tr>
</tbody>
</table>

**Formal Notices**

- **Volume Breach**: 0
- **Volume Non-Renewal**: 0
- **Volume Suspension**: 0
- **Volume Termination**: 0

**Registry TAT** (in days)

- Avg TAT 1st Notice: 6.4
- Avg TAT 2nd Notice: 7.1
- Avg TAT 3rd Notice: 11.0

**Total Complaints Processed**: 689
**Total Complaints Closed**: 914
New Registry Agreement Audit
New Registry Agreement Audit

- **Objective**: testing compliance with terms of New Registry Agreement and ICANN Temporary and Consensus Policies

- Sample of 14 new gTLD Registry Operators selected for audit

- Approximately 900 documents received

- Sources of data audited: Registry Operators, Data Escrow Agents, Trademark Clearing House and ICANN IT

- Languages: English, French, German and Mandarin Chinese

- Countries represented: Australia, China, Germany, Ireland and US
### New Registry Agreement Audit Timeline

#### Audit Program Milestone Dates

<table>
<thead>
<tr>
<th>Start</th>
<th>Request for Information (RFI) Phase</th>
<th>Audit Phase</th>
<th>Reporting Phase</th>
<th>End</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-Audit Notification</td>
<td>1&lt;sup&gt;st&lt;/sup&gt; Notice</td>
<td>2&lt;sup&gt;nd&lt;/sup&gt; Notice</td>
<td>3&lt;sup&gt;rd&lt;/sup&gt; Notice</td>
<td>Begin</td>
</tr>
</tbody>
</table>

**Dates:**
- Pre-Audit Notification: 1st Notice
- 2nd Notice
- 3rd Notice
- Audit Phase: Begin
- Reporting Phase: End
### New Registry Agreement Provisions Audited

<table>
<thead>
<tr>
<th>Test Areas</th>
<th>Description</th>
<th>Objective</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article 1.3(a) ii</td>
<td>Representations &amp; Warranties</td>
<td>To confirm that Registry Operator is still in good standing since application process</td>
</tr>
<tr>
<td>Article 2.2</td>
<td>Compliance with Consensus Policies and Temporary Policies</td>
<td>To obtain an assurance that Registry is complying with all Consensus Policies - AGP (Add Grace Policy)</td>
</tr>
<tr>
<td>Article 2.3</td>
<td>Data Escrow (Specification 2)</td>
<td>To ensure that content of the escrow deposits are per the contract; to ensure that Legal Requirements in regards to DEA are met.</td>
</tr>
<tr>
<td>Article 2.4</td>
<td>Monthly Reporting (Specification 3)</td>
<td>To ensure the monthly Per-Registrar Transactions Report accurately represents the number of active domains</td>
</tr>
<tr>
<td>Article 2.5</td>
<td>Publication of Whois Registration Data (Specification 4)</td>
<td>To confirm compliance with Specification 4 (specifically, Section 1.4)</td>
</tr>
<tr>
<td>Article 2.6</td>
<td>Reserved Names (Specification 5)</td>
<td>To confirm that Names that Registry Operators are obligated to reserve are actually reserved</td>
</tr>
<tr>
<td>Article 2.7</td>
<td>Registry Interoperability and Continuity (Specification 6)</td>
<td>To confirm that names that Registry Operators are obligated to block are actually blocked; to confirm that Registry Operator is able to accept IPv6 addresses</td>
</tr>
<tr>
<td>Article 2.8</td>
<td>Protection of Legal Rights of Third Parties (Specification 7) - TMCH Sunrise Period</td>
<td>To confirm that domain names registered during sunrise were eligible for registration; To confirm that during the trademark claims period, Registry performed required validation during registration of new trademarked domains</td>
</tr>
<tr>
<td>Article 2.14</td>
<td>Registry Code of Conduct (Specification 9 - Parts B, D)</td>
<td>To verify that Registry is in compliance with Code of Conduct</td>
</tr>
<tr>
<td>Article 2.17</td>
<td>Additional Public Interest Commitments (Specification 11)</td>
<td>To ensure that Registry Operator complies with its public interest commitments as incorporated into Specification 11 of the Registry Agreement</td>
</tr>
</tbody>
</table>
### New Registry Audit – Key Issues and Impact

<table>
<thead>
<tr>
<th>Issue</th>
<th>Importance</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Data Escrow: Whois registration data differed from escrow data</strong></td>
<td>Correct processing and maintenance of registration data is required for restorability and to protect consumers</td>
<td>Identified and corrected issue: TLD escrow system was placing portions of registration data into incorrect fields</td>
</tr>
<tr>
<td><strong>Monthly reports: number of domains incorrectly reported</strong></td>
<td>Inaccurate domain counts may result in incorrect reporting to public and over or underpayment of fees</td>
<td>Identified and corrected issue: error in TLD reporting system which was overlooking names without nameservers</td>
</tr>
<tr>
<td><strong>Abuse contact data: missing or incorrect</strong></td>
<td>Abuse contact data serves the community’s needs to report abuse</td>
<td>Identified and corrected issue: TLD added and updated abuse contact data</td>
</tr>
<tr>
<td><strong>Security threats: technical analysis not performed</strong></td>
<td>Technical analysis and threat handling procedures essential to identifying and addressing threats efficiently</td>
<td>Identified and corrected issue: TLD implemented and scheduled the required periodic technical analysis</td>
</tr>
<tr>
<td><strong>Business Continuity Plan: testing not performed</strong></td>
<td>Business Continuity Plan is essential to the sustainability of the TLD</td>
<td>Identified and corrected issue: TLD scheduled annual Business Continuity Plan testing</td>
</tr>
</tbody>
</table>