ICANN | 52
Singapore

8-12 FEBRUARY 2015

Contractual Compliance Update
ICANN 52 | 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

- Reports can be found at: https://www.icann.org/resources/pages/compliance-reports-2014-2015-01-30-en

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

VS

o Registrars must:
  o Take reasonable and prompt steps to investigate and
  o Respond appropriately to ANY reports of abuse

o Reasonable steps may include:
  o Contacting the RNH of the domain(s)

o Appropriately varies depending on the facts and circumstances

o Whois data verification by itself is insufficient

o Court order is not required for registrar to investigate absent a specific local law or regulation provided to ICANN

Section 3.18.2

o Registrar must have dedicated abuse email and phone number in Whois output

o Reports of Illegal Activity must be reviewed within 24 hours by an individual who is empowered to take necessary and appropriate actions

o Reports can be from any applicable jurisdiction once reporter is designated by registrar's local government as an authority

Abuse Reports - ICANN Complaint Processing

- 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

Abuse Reports – ICANN Complaint Processing

- 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
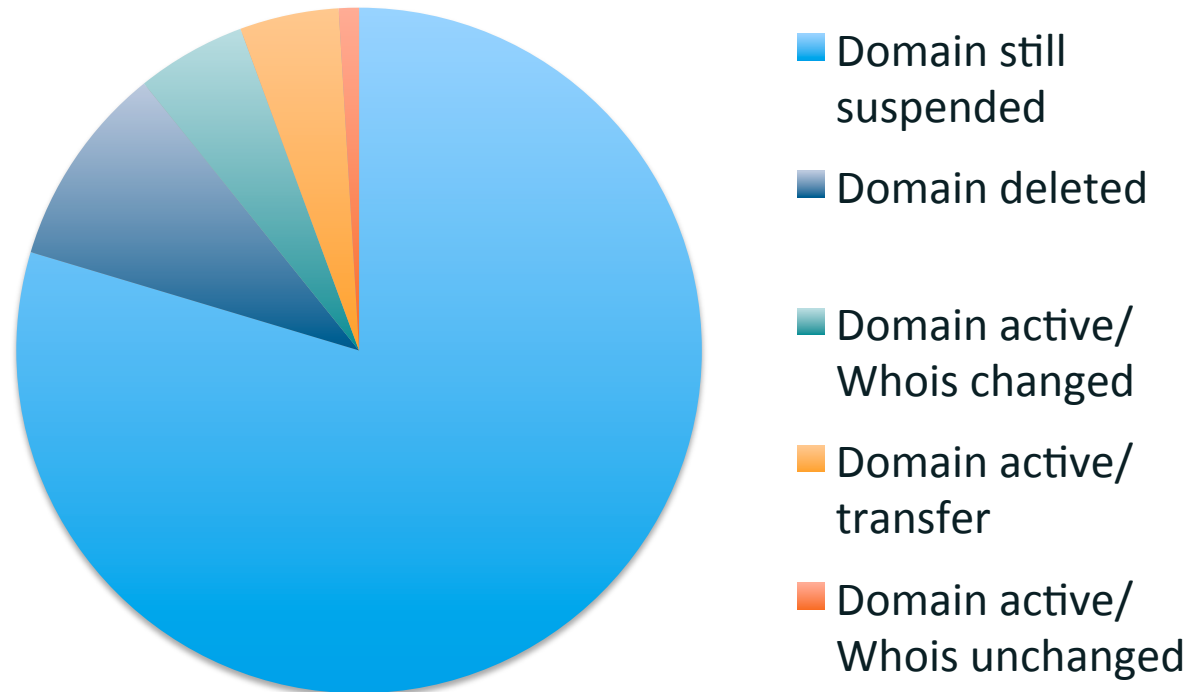
Quality Efforts Update since ICANN 51

- **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
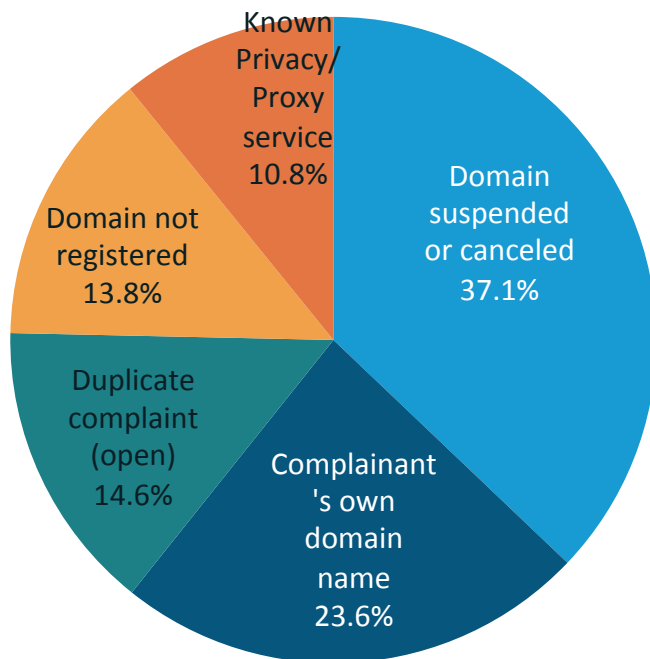
Whois Inaccuracy Quality Review Jan – Dec 2014

- 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%
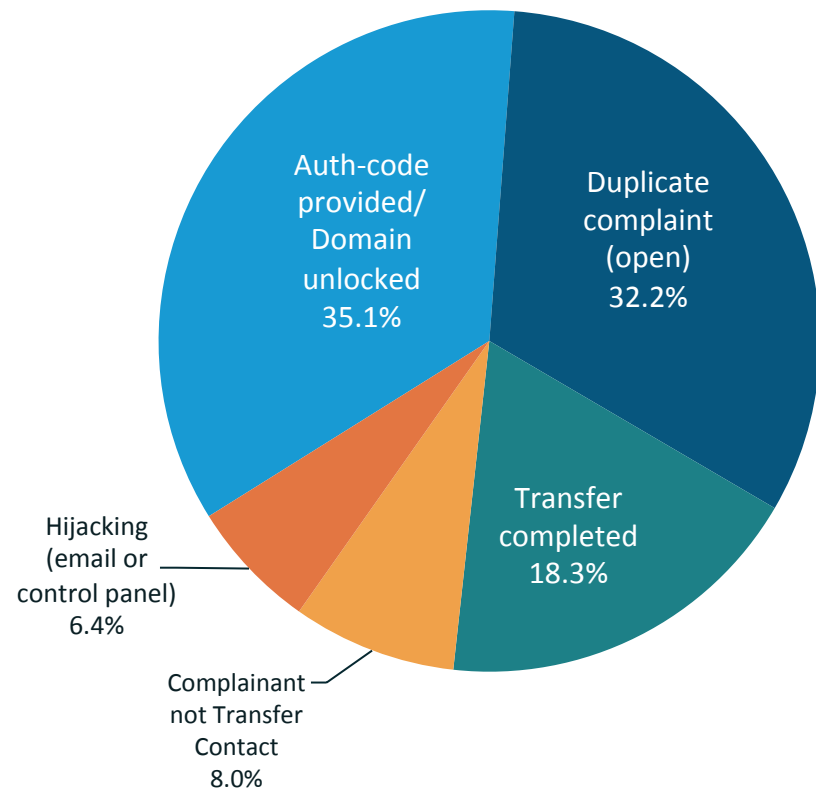
Whois Inaccuracy Quality Review

Legend:
- Domain still suspended
- Domain deleted
- Domain active/ Whois changed
- Domain active/ transfer
- Domain active/ Whois unchanged

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%
- Duplicate complaint (open) 32.2%
- Transfer completed 18.3%
- Complainant not Transfer Contact 8.0%
- Hijacking (email or control panel) 6.4%

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

Domain Renewal: Closure Reasons

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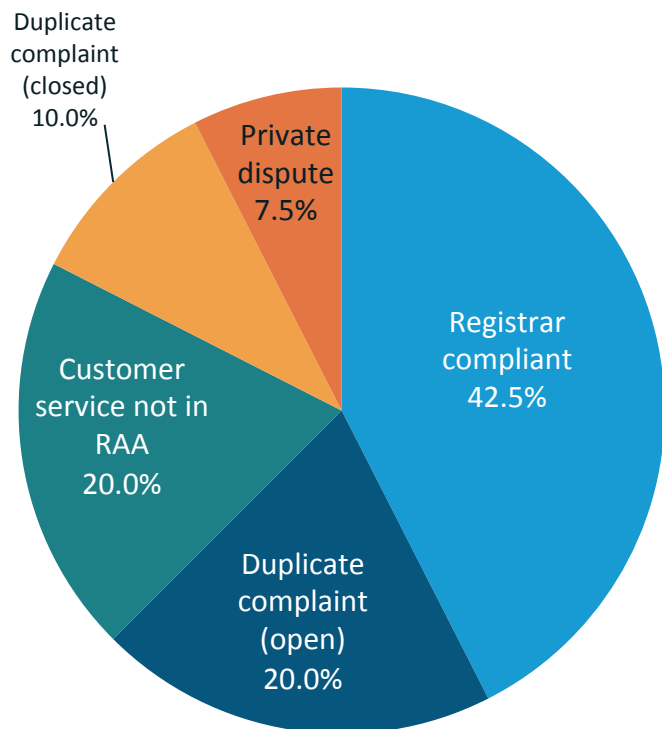
Whois Format: Closure Reasons

- Format compliant at submission 34.4%
- Duplicate complaint (closed) 29.1%
- Duplicate complaint (open) 19.8%
- Rr corrected format 14.1%
- Customer service not in RAA 2.6%
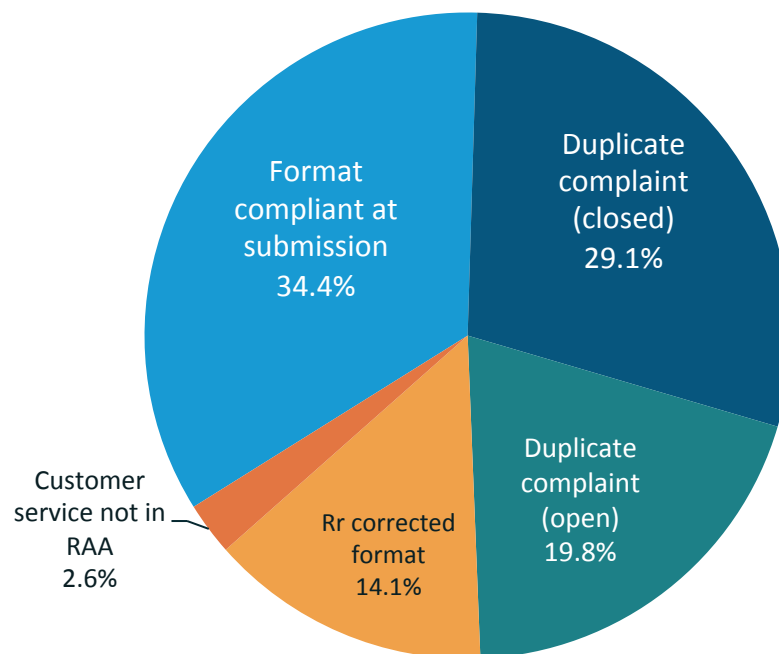
RAA - Complaint Types & Top Closure Reasons: (Oct – Dec 2014)

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%
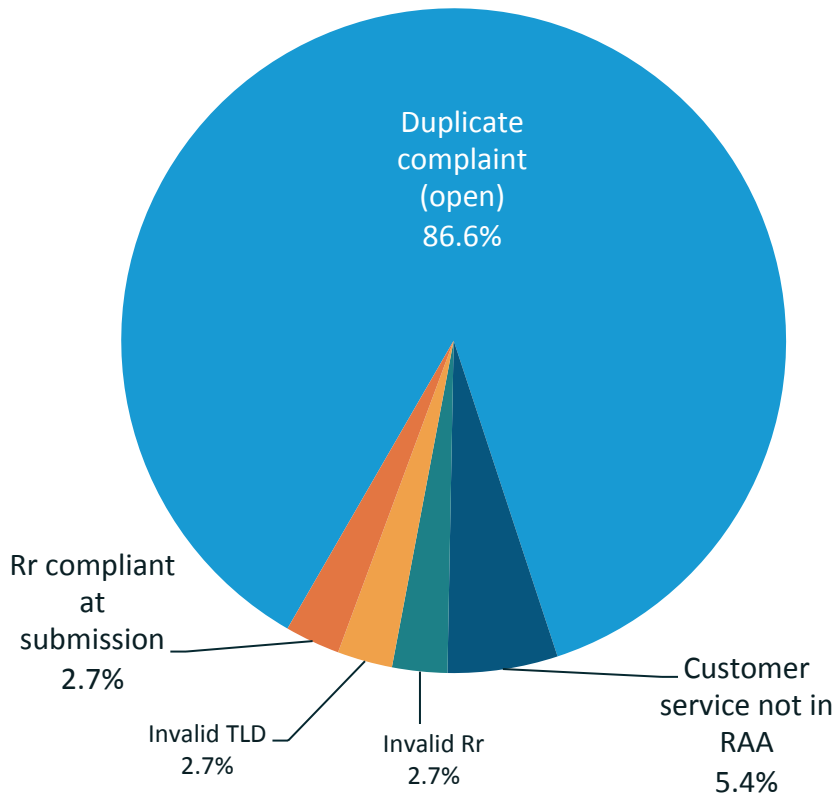
Domain Deletion: Closure Reasons
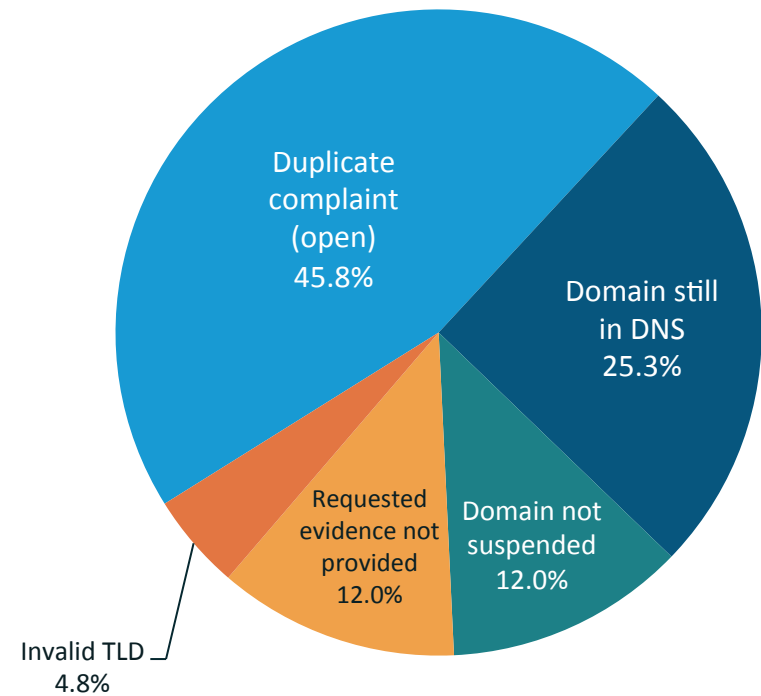
Duplicate complaint (open) 45.8%

Domain still in DNS 25.3%

Domain not suspended 12.0%

Requested evidence not provided 12.0%

Invalid TLD 4.8%

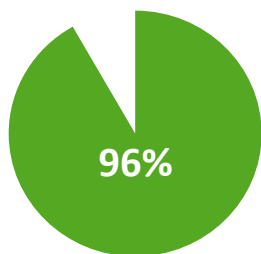# Updates related to Registries & RA Compliance efforts since ICANN 51

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
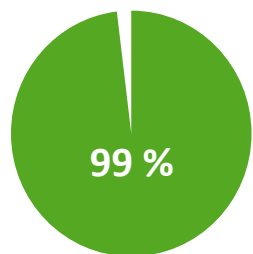
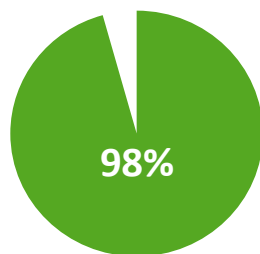| 99 %	96%	98%	100	100	100
Section 3(a): RRA with PIC3(a) Mandatory Provision	**Section 3(b)**: Conducting Security Threats Technical Analyses at the time of Inquiry	**Section 3(c)**: Registration Policies published on TLD's website	**Section 3(d)**: Generic TLDs not limiting Registrations	**Section 4 GAC-1** (as applicable): RRA with GAC-1 Mandatory Provision	**Selected Voluntary PICs:** WHOIS Audits Processes with LEA & Govt.

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**
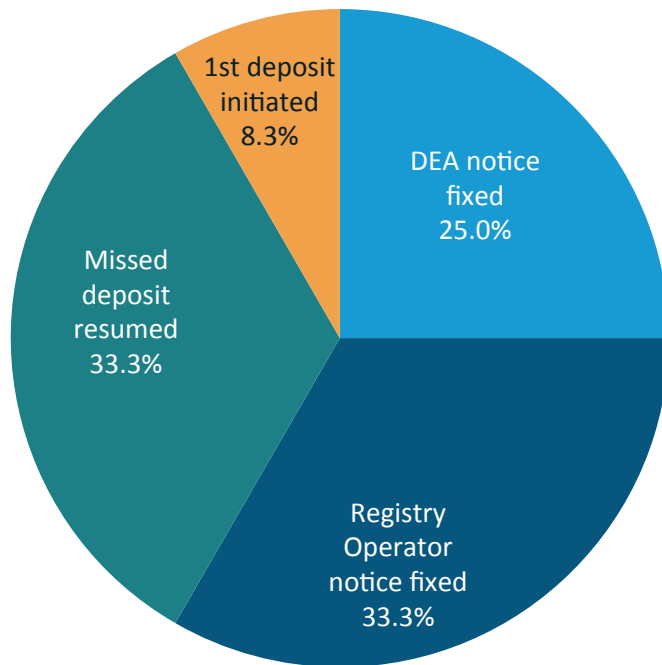Complying with Name Collision Assessment Letter(s)

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

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

DATA ESCROW:
Closure Reasons

RESERVED SLD NAMES/CONTROLLED INTERRUPTION:
Closure Reasons

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

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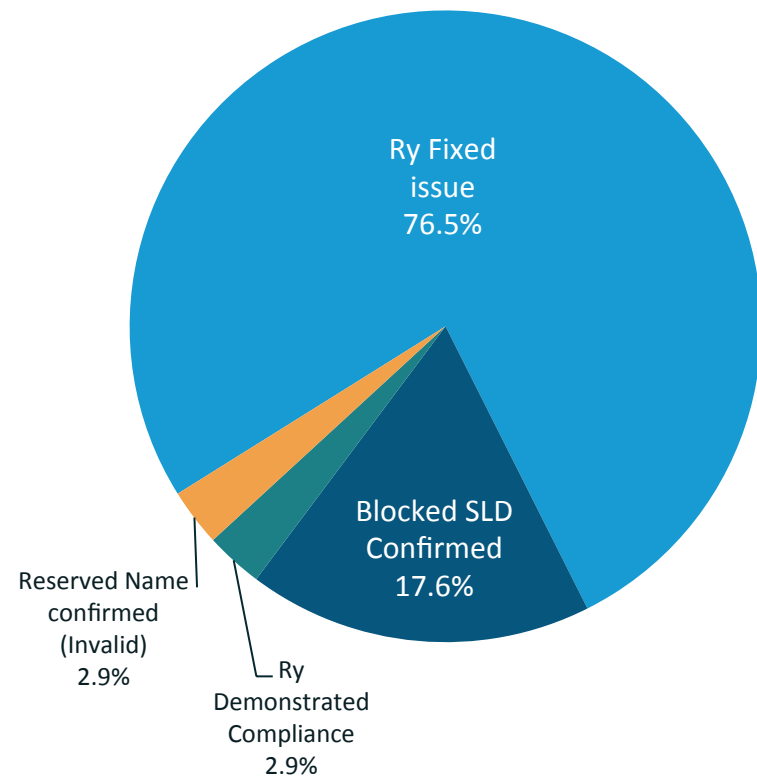
RA - Complaint Types & Top Closure Reasons: (Oct – Dec 2014)

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%
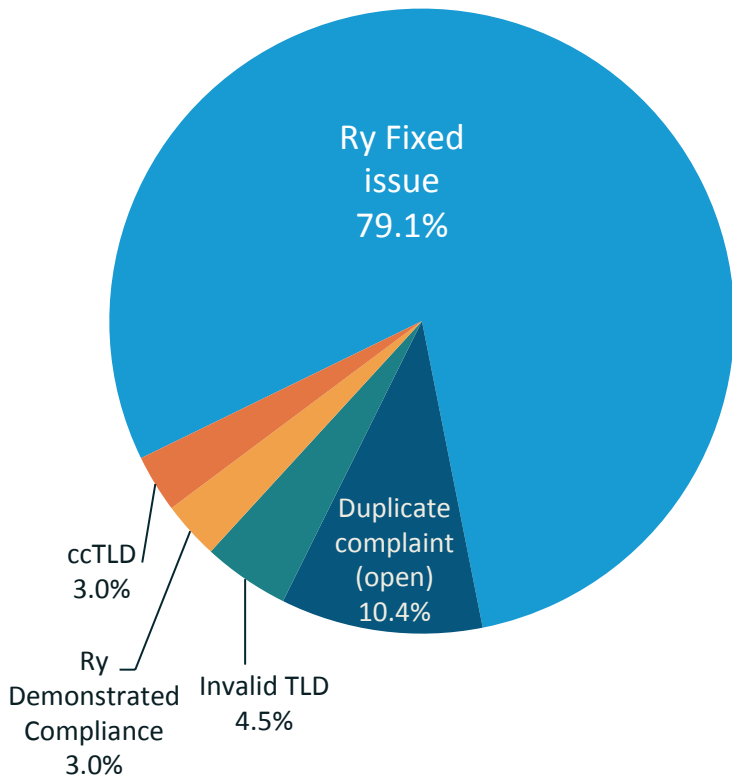
REGISTRY OTHER:
Closure Reasons

- Complaint outside of scope (Ry) 50.0%
- Incomplete or broad 25.0%
- ICANN not a Registrar 25.0%
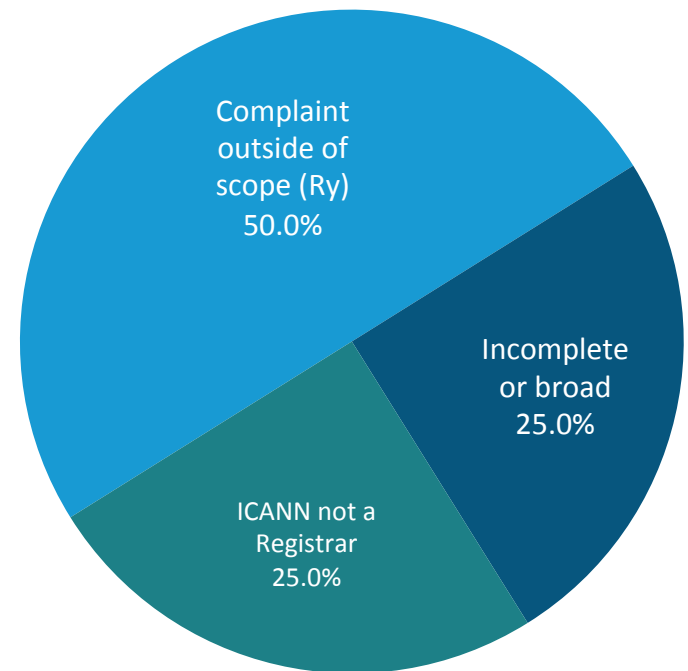
RA - Complaint Types & Top Closure Reasons: (Oct – Dec 2014)

SLA: Closure Reasons

- Ry Fixed issue 50.0%
- Invalid TLD 50.0%
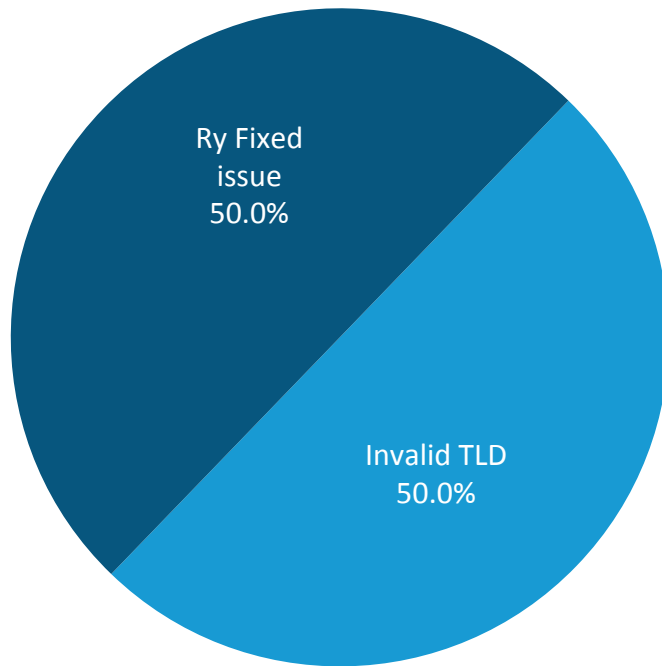
ABUSE CONTACT DATA: Closure Reasons
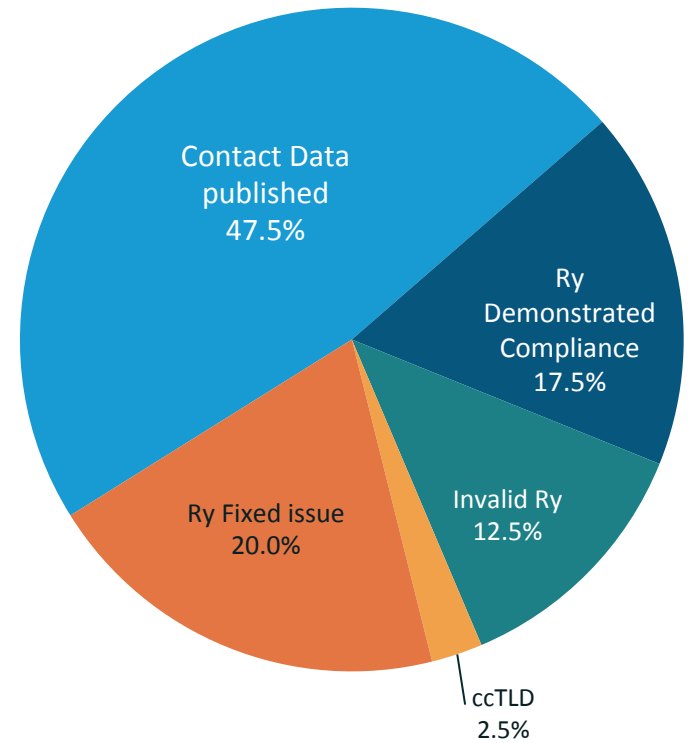
- Contact Data published 47.5%
- Ry Demonstrated Compliance 17.5%
- Invalid Ry 12.5%
- ccTLD 2.5%
- Ry Fixed issue 20.0%

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

<u>To</u>: compliance@icann.org
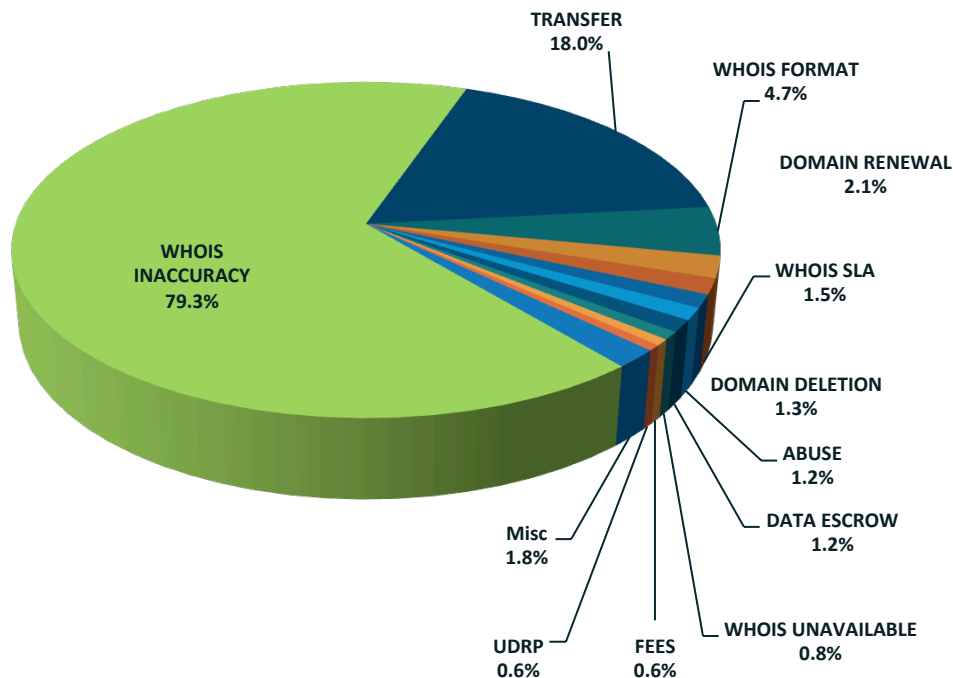<u>Subject line</u>: Contractual Compliance Program Update

Performance Reporting

Please refer to this link for additional reports
https://www.icann.org/resources/compliance-reporting-performance

Complaint Distribution

Pie chart: Complaint Distribution
- WHOIS INACCURACY 79.3%
- TRANSFER 18.0%
- WHOIS FORMAT 4.7%
- DOMAIN RENEWAL 2.1%
- Misc 1.8%
- 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	Quantity
ABUSE	106
CUSTOMER SERVICE	36
DATA ESCROW	106
DNSSEC, IDN, IPV6	16
DOMAIN DELETION	116
DOMAIN RENEWAL	192
FAILURE TO NOTIFY	3
FEES	54
PRIVACY/PROXY	8
REGISTRAR CONTACT	23
REGISTRAR INFO SPEC	18
REGISTRAR OTHER	7
RESELLER AGREEMENT	24
TRANSFER	1647
UDRP	51
WHOIS FORMAT	429
WHOIS INACCURACY	6083
WHOIS QUALITY REVIEW	28
WHOIS SLA	138
Total Complaints Processed	9,157
Total Complaints Closed	7,832

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

Registrar Formal Notice Activity: (Oct – Dec 2014)

Notice Reasons
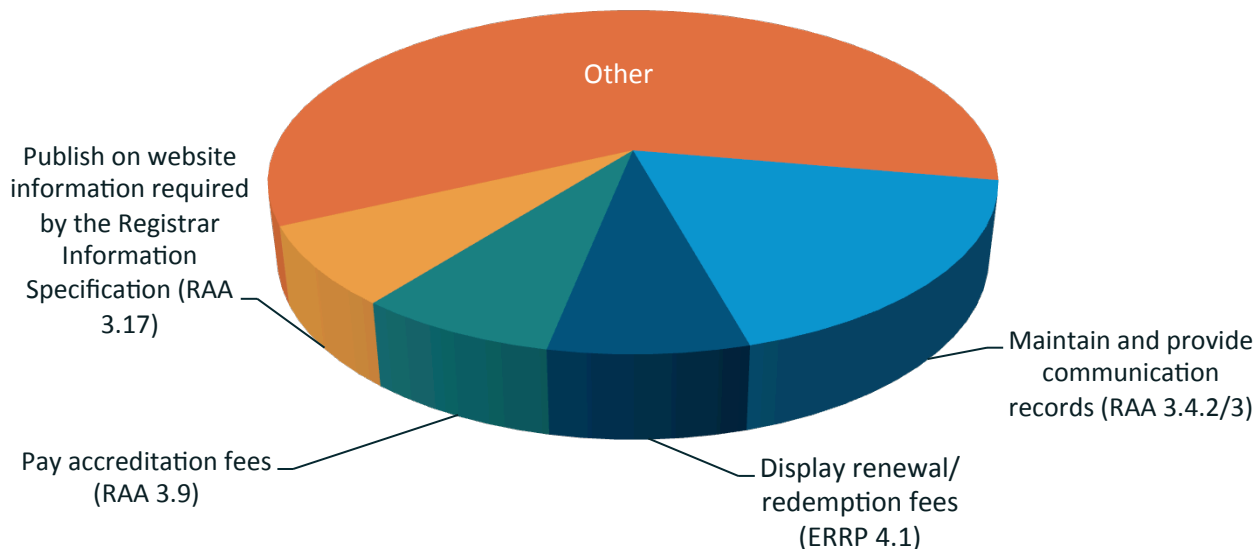
Notices	Qty
Breach	14
Non-Renewal	0
Suspension	1
Termination	2

Breach Notice Reason*	Qty*
Failure Notice Reasons	114
• Cured	45
• Not Cured	69

Formal Notice Reasons	Percent
Maintain and provide communication records (RAA 3.4.2/3)	18
Display renewal/redemption fees (ERRP 4.1)	7
Pay accreditation fees (RAA 3.9)	7
Publish on website information required by the Registrar Information Specification (RAA 3.17)	7
Other	60

Registry Complaint Type Activities: (Oct – Dec 2014)

Complaint Distribution

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

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 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

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							
Start							End
Pre-Audit Notification	Request for Information (RFI) Phase			Audit Phase		Reporting Phase	Remediation
	1st Notice	2nd Notice	3rd Notice	Begin	End		
30 Jun 2014	14 Jul 2014	05 Aug 2014	12 Aug 2014	19 Aug 2014	19 Sep 2014	22 Sep 2014	22 Sep 2014 – 31 Oct 2014

New Registry Agreement Provisions Audited

Test Areas	Description	Objective
Article 1.3(a)ii	Representations & Warranties	To confirm that Registry Operator is still in good standing since application process
Article 2.2	Compliance with Consensus Policies and Temporary Policies	To obtain an assurance that Registry is complying with all Consensus Policies - AGP (Add Grace Policy)
Article 2.3	Data Escrow (Specification 2)	To ensure that content of the escrow deposits are per the contract; to ensure that Legal Requirements in regards to DEA are met.
Article 2.4	Monthly Reporting (Specification 3)	To ensure the monthly Per-Registrar Transactions Report accurately represents the number of active domains
Article 2.5	Publication of Whois Registration Data (Specification 4)	To confirm compliance with Specification 4 (specifically, Section 1.4)
Article 2.6	Reserved Names (Specification 5)	To confirm that Names that Registry Operators are obligated to reserve are actually reserved
Article 2.7	Registry Interoperability and Continuity (Specification 6)	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
Article 2.8	Protection of Legal Rights of Third Parties (Specification 7) - TMCH Sunrise Period	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
Article 2.14	Registry Code of Conduct (Specification 9 - Parts , B, D)	To verify that Registry is in compliance with Code of Conduct
Article 2.17	Additional Public Interest Commitments (Specification 11)	To ensure that Registry Operator complies with its public interest commitments as incorporated into Specification 11 of the Registry Agreement

New Registry Audit – Key Issues and Impact

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