



ICANN | 54

Dublin



18-22 OCTOBER 2015





Contractual Compliance Update

Contractual Compliance | ICANN 54 | 20 October 2015

Agenda

- ⦿ Brief Update Since ICANN 53 on:
 - ⦿ Contractual Compliance Campaign
 - ⦿ Continuous Improvement Update
 - ⦿ Audit Activities Update
 - ⦿ Registrar Compliance
 - ⦿ Registry Compliance
- ⦿ Questions & Answers

Contractual Compliance Awareness Campaign

- Contractual Compliance Initiative - Online Learning Project
 - To improve knowledge and awareness
 - Available in eight languages
 - Portfolio link:
<https://features.icann.org/plan/portfolio/5480de6f0015c8b8118fbf7fe1782d55>
- Video Campaign
 - Getting to know Contractual Compliance Video
 - YouTube and on the ICANN.org website
 - <https://www.icann.org/resources/pages/compliance-2012-02-25-en>
- Handout Campaign
 - What is a Contractual Compliance Complaint?
 - <https://www.icann.org/resources/pages/compliance-2012-02-25-en>

Continuous Improvements updates

Improvements based upon community & contracted party feedback:

- ⦿ Add closure reason in closure notices sent to contracted parties
- ⦿ Additional template and closure reason updates to provide greater clarity

Policy, Initiative and System based improvements:

- ⦿ Update to UDRP complaint web form and templates to align with 31 July 2015 update to UDRP Rules
- ⦿ Update to Whois ARS import utility to create compliance tickets based upon updated Whois ARS report format
- ⦿ Software update to address a security vulnerability and feature improvements (parent/child tickets and enhancements to text format)

Provide a weekly file of registrar tickets

- ⦿ By request from the registrars, ICANN is providing a system generated email with a file of the complaints and the current status

Audit Activities since ICANN 53

New Registry Agreement Audit Program

- ⦿ Completed the March 2015 Audit Program
 - ⦿ 11 Registries were in scope;
 - ⦿ 1 continued remediation beyond report publication due to Data Escrow format and content issues – now completed
- ⦿ Audit Report published at <https://www.icann.org/resources/pages/compliance-reports-2015-04-15-en>

Registrar Audit Program launched September 2015

- ⦿ 69 Registrars selected for this round
- ⦿ 23 countries are represented
- ⦿ 5 Registrars rolled over from prior audit to verify remediation effectiveness
- ⦿ The Request for Information Phase is completed; Audit Phase has started

Efforts underway to globalize the Contractual Compliance Audit Page

- ⦿ Link to the ICANN Contractual Compliance Audit Page:
<https://www.icann.org/resources/pages/audits-2012-02-25-en>

General Audit Selection Criteria

- ⦿ Contracted parties who have not been previously audited
- ⦿ Contracted parties with highest numbers of 3rd Notices per number of domains under management
- ⦿ Contracted parties who had received Notice of Breach in last 12 months
- ⦿ Contracted parties with highest number of failed data escrow deposits
- ⦿ Contracted parties with low responsiveness to ICANN's requests
- ⦿ ICANN community concerns



Registrar Compliance

Whois Accuracy Reporting System Update

Whois ARS Phase 1 – Syntax Validation

- ⦿ Compliance coordinated with Whois ARS team to ensure testing aligns with RAA/ICANN process
- ⦿ To be processed as Whois inaccuracy and Whois format complaints
- ⦿ Complaints created from Whois ARS data will follow the Contractual Compliance Approach and Process as published at <https://www.icann.org/resources/pages/approach-processes-2012-02-25-en>
- ⦿ Compliance will provide metrics at ICANN 55
- ⦿ Updated conversion utility to create compliance tickets based upon Whois ARS output to be deployed in mid October 2015
- ⦿ Phase 1 Report published at: <http://whois.icann.org/en/file/whoisars-phase1-report>
- ⦿ Phase 1 Webinar presentation at: <http://whois.icann.org/en/file/whois-ars-phase-1-report-webinar-powerpoint>

Enforcing Updated UDRP Rules

Updated UDRP Rules effective 31 July 2015:

- ⦿ Within two business days of request for verification from UDRP Provider:
 - ⦿ Registrar must lock domain(s), confirm lock and provide information requested in verification request to Provider
 - ⦿ Lock must be removed within one business day of Registrar being notified that proceeding has been withdrawn or dismissed
 - ⦿ Lock means registrant cannot update Whois or transfer domain (domain must still resolve)
- ⦿ Within three business days of receiving Provider's Decision, registrar must communicate implementation date to Parties, Provider and ICANN
- ⦿ For cases settled between parties outside the UDRP cases
 - ⦿ Provider to inform Registrar of suspension and outcome of the settlement
 - ⦿ Registrar shall remove the lock within two business days of being notified by the Provider
- ⦿ Presentation for UDRP Rules webinar at:
<https://www.icann.org/en/system/files/files/udrp-rules-30sep14-en.pdf>

Enforcing 2013 RAA: Abuse Reports Requirements

- ⦿ 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

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

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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

Registrar Related Policy and Working Group Efforts

Actively contributing to registrar-related policies and Working Groups

- ◉ Transfer Policy (formerly Inter-Registrar Transfer Policy (IRTP) Part C)- Main Change: introduction of Change of Registrant process; effective 1 August 2016:
<https://www.icann.org/news/announcement-2-2015-09-24-en>
- ◉ IRTP Part D – Main changes are updates to the Transfer Dispute Resolution Policy (TDRP)
- ◉ 2013 RAA Whois Accuracy Program Specification Review
- ◉ Privacy & Proxy Services Accreditation Issues Working Group
- ◉ Registration Data Directory Service – both effective 31 January 2016:
 - ◉ Advisory on Whois Clarifications
<https://www.icann.org/resources/pages/registry-agreement-raa-rdds-2015-04-27-en>
 - ◉ Additional Whois Information Policy (AWIP) Consensus Policy
<https://www.icann.org/resources/pages/policy-awip-2014-07-02-en>



Registry Compliance

Enforcing Uniform Rapid Suspension Requirements

Complying with lock and suspension requirements

- ◉ Within 24 hours of receiving notice of complaint from URS provider, Registry Operators must lock the domain
 - ◉ Restrict all changes to registration data – including transfer and deletion
- ◉ Registry Operator must notify the URS provider immediately upon lock
- ◉ Upon receipt of determination, Registry Operator immediately suspends name and redirects nameservers to Provider's informational URS site
 - ◉ Whois shall reflect the name is not able to be transferred, deleted or modified for the life of the registration
- ◉ Lock, suspension and notification requirements must be met regardless of weekends, holidays or other absences

Registry Related Policy and Working Group Efforts

Actively contributing to registry-related policies and Working Groups

- ◉ gTLD Registry Advisory for Correction of non-compliant ROIDs
<https://www.icann.org/resources/pages/correction-non-compliant-roids-2015-08-26-en>
- ◉ Clarification of Public Interest Commitments Specification 11, Section 3b Advisory and Security Framework
- ◉ Registration Data Directory Service – both effective 31 January 2016:
 - ◉ Advisory on Whois Clarifications
<https://www.icann.org/resources/pages/registry-agreement-raa-rdds-2015-04-27-en>
 - ◉ Additional Whois Information Policy (AWIP) Consensus Policy:
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Questions & Answers



Send compliance questions

To: compliance@icann.org

Subject line: ICANN 54 IPC Update

The ICANN 54 presentations are available at:

- The outreach page at this link

<https://www.icann.org/resources/compliance/outreach>

- The ICANN 54 Schedule page at this link

<http://dublin54.icann.org/en/schedule-full>