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| RDS-WHOIS2 RTSubgroup Report: Compliance |
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| DRAFT FOR SUBGROUP USE TO DOCUMENT DRAFT FINDINGS AND RECOMMENDATIONS (IF ANY) |
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| 23 May 2018 |
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Table of Contents

[1 Topic 3](#_Toc496113346)

[2 Summary of Relevant Research 3](#_Toc496113347)

[3 Analysis & Findings 3](#_Toc496113348)

[4 Problem/Issue 3](#_Toc496113349)

[5 Recommendations 3](#_Toc496113350)

# Topic

Subgroup 1 - WHOIS1 Rec4 Compliance is tasked with investigating, analyzing, and drafting recommendations (if needed) to address the following Review objectives:

Consistent with ICANN’s mission to ensure the stable and secure operation of the Internet's unique identifier systems by enforcing policies, procedures and principles associated with registry and registrar obligations to maintain and provide access to accurate and up-to-date information about registered names and name servers, the review team will (to the extent that this is not already covered in prior RT recommendations), (a) assess the effectiveness and transparency of ICANN enforcement of existing policy relating to WHOIS (RDS) through Contractual Compliance actions, structure and processes, including consistency of enforcement actions and availability of related data, (b) identifying high-priority procedural or data gaps (if any), and (c) recommending specific measurable steps (if any) the team believes are important to fill gaps.

And

Consistent with ICANN’s mission and Bylaws, Section 4.6(e)(iv), the Review Team will (a) evaluate the extent to which ICANN Org has implemented each prior Directory Service Review recommendation (noting differences if any between recommended and implemented steps), (b) assess to the degree practical the extent to which implementation of each recommendation was effective in addressing the issue identified by the prior RT or generated additional information useful to management and evolution of WHOIS (RDS), and (c) determine if any specific measurable steps should be recommended to enhance results achieved through the prior RT’s recommendations. This includes developing a framework to measure and assess the effectiveness of recommendations, and applying that approach to all areas of WHOIS originally assessed by the prior RT (as applicable).

The specific [WHOIS1 Recommendation](https://www.icann.org/en/system/files/files/final-report-11may12-en.pdf) to be assessed by this subgroup appears below:



Questions the subgroup attempted to answer when assessing the first objective include:

INSERT HERE

Questions the subgroup attempted to answer when assessing the second objective include:

* 1. Do the current reports provide the details described above? Are they transparent and complete?
	2. Is the current appointment of a senior executive appropriate? Who does this person report to?
	3. Does the compliance team have all necessary resources?

# Summary of Relevant Research

To conducts its research, all members of this subgroup reviewed the following background materials, posted on the subgroup's wiki page:

* [WHOIS Review Team (WHOIS1) Final Report](https://www.icann.org/en/system/files/files/final-report-11may12-en.pdf) (2012) and [Action Plan](https://www.icann.org/en/system/files/files/implementation-action-08nov12-en.pdf)
* [WHOIS Review Team (WHOIS1) Implementation Reports](https://community.icann.org/display/WHO/WHOIS%2BReview%2BImplementation%2BHome), including
	+ [Executive Summary of Implementation Report](https://community.icann.org/download/attachments/54691767/WHOIS%20Recs%201_16%2030Sept2016.pdf)
	+ [Detailed implementation Report](https://community.icann.org/download/attachments/54691767/WHOIS%20Quarterly%20Summary%2031December2016.pdf)
* WHOIS1 Implementation Briefings on Recommendations 4, 12, 13, 14: [PPT](https://community.icann.org/download/attachments/63145823/WHOIS%20Briefing%20-%2028September2017%20-%20V2.0.pptx?version=1&modificationDate=1511776295000&api=v2), [PDF](https://community.icann.org/download/attachments/69279139/WHOIS%20Briefing%20-%2028September2017%20-%20V2.0.pptx?version=1&modificationDate=1506686336000&api=v2)
	+ [Answers to RDS-WHOIS2 Questions on Implementation Briefings](https://community.icann.org/download/attachments/63145823/WHOIS1-Implementation%20Briefings_final.docx?version=1&modificationDate=1510566466000&api=v2)
* Documents cited in briefing on Recommendation 4 Compliance include
	+ [Contractual Compliance Outreach information and Metrics Reporting](https://www.icann.org/resources/compliance-reporting-performance)
	+ [Process and approach for enforcing the contract](https://www.icann.org/resources/pages/approach-processes-2012-02-25-en)
	+ [Contractual Compliance staff information](https://www.icann.org/resources/pages/about-2014-10-10-en)
	+ [Contractual Compliance annual reports and financials](https://www.icann.org/resources/pages/compliance-reports-2017)
	+ [Chief Compliance Officer 2017 announcement](https://www.icann.org/news/announcement-2017-01-04-en) and [2014 announcement](https://www.icann.org/news/announcement-2014-10-12-en)
	+ [Consumer Safeguards Director announcement](https://www.icann.org/news/announcement-2017-05-23-en)
* Additional documents relevant to Topic 7 Compliance include
	+ [WHOIS Review Team (WHOIS1) Final Report](https://www.icann.org/en/system/files/files/final-report-11may12-en.pdf) (2012), Section 1: The Effectiveness of ICANN’s WHOIS Compliance Effort
	+ [Documents relevant to WHOIS1 Recommendations 5-9 - Accuracy](https://community.icann.org/x/6plEB)
	+ [ICANN Contractual Compliance](https://www.icann.org/resources/pages/compliance-2012-02-25-en) web pages
	+ [Competition, Consumer Trust and Consumer Choice Review Team Draft Report](https://www.icann.org/en/system/files/files/cct-rt-draft-report-07mar17-en.pdf)
* [2 February Meeting with Compliance Management - Q&A](https://community.icann.org/download/attachments/79432988/RDS-WHOIS2%20Compliance%20Questions%20FINAL%20v2.pdf?version=1&modificationDate=1517534432000&api=v2), citing additional documents
	+ FY18 Operating Plan and Budget
	+ [Contractual Compliance 2017 Annual Report](https://www.icann.org/en/system/files/files/annual-2017-30jan18-en.pdf)
	+ [Contractual Compliance Audit Program](https://www.icann.org/resources/pages/audits-2012-02-25-en)
	+ [Contractual Compliance Monthly Dashboards](https://features.icann.org/compliance/dashboard/report-list)
	+ [WHOIS ARS Contractual Compliance Metrics](https://whois.icann.org/en/whoisars-contractual-compliance-metrics)
	+ [ICANN's Contractual Compliance Approach and Processes](https://www.icann.org/resources/pages/approach-processes-2012-02-25-en)
	+ [Notices of Breach, Suspension, Termination and Non-Renewal](https://www.icann.org/compliance/notices)
	+ [Registrar Formal Notices (Enforcement)](https://features.icann.org/compliance/enforcement-notices)

In addition, the subgroup requested additional materials and briefings from the ICANN Compliance organization: (to be augmented with additional briefings & results)

* + [Rec 4 Written Implementation Briefing](https://community.icann.org/download/attachments/63145823/Written%20Implementation%20Request%20for%20Recommendation%204%20-.pdf?version=1&modificationDate=1520850879075&api=v2)
	+ [Meeting #3 - with Compliance Management (1 February 2018)](https://community.icann.org/pages/viewpage.action?pageId=79432988)
		- [Written answers to 1 February 2018 questions](https://community.icann.org/download/attachments/71604711/RDS-WHOIS2%20Compliance%20Subteam%20Questions%20FINAL.pdf?version=1&modificationDate=1520778626000&api=v2)
	+ [Written answers to 28 March 2018 meeting questions](https://community.icann.org/download/attachments/71604711/28%20March%20meeting%20-%20Compliance%20input.pdf?version=1&modificationDate=1522233220000&api=v2)

Brussels mtg follow-up questions

[Written answers to compliance questions](https://community.icann.org/download/attachments/71604711/Compliance%20questions%20-%20April%202018-1-3.pdf?version=1&modificationDate=1525166479000&api=v2)

[Written answers to data accuracy questions](https://community.icann.org/download/attachments/71604711/Data%20Accuracy%20questions%20-%20April%202018-1-2.pdf?version=1&modificationDate=1525166597000&api=v2)

The subgroup met with the Compliance team, Jamie Hedlund, Maguy Serad, Roger Lim and Andrea, twice each time providing a list of questions drafted by the subgroup prior to the meeting. The responses are provided above.

In addition, the subgroup considered the Accuracy Subgroup's findings with respect to compliance issues raised. Refer to the Accuracy Subgroup's report for a list of sources related to the Accuracy Reporting System (ARS).

Finally, the subgroup applied the RDS-WHOIS2 review team's [agreed framework](https://community.icann.org/download/attachments/71604697/FinalRDS-WHOISRT2Effectivenes.docx?version=1&modificationDate=1519138360000&api=v2) to measure and assess the effectiveness of recommendations,

# Analysis & Findings

This subgroup's objectives when analyzing its findings were to:

* Identify the extent to which ICANN Org has implemented each prior Directory Service Review recommendation (noting differences if any between recommended and implemented steps);
* Assess to the degree practical the extent to which implementation of each recommendation was effective in addressing the issue identified by the prior RT or generated additional information useful to management and evolution of WHOIS (RDS); and
* Assess the effectiveness and transparency of ICANN enforcement of existing policy relating to WHOIS (RDS) through Contractual Compliance actions, structure and processes, including consistency of enforcement actions and availability of related data.

In the following table, we present the specific compliance principles recommended by the prior RT, the questions this subgroup asked to assess implementation of those principles, and our findings and analysis for each.

| RT1-Recommended Principle | Question | Findings and Analysis |
| --- | --- | --- |
| a. There should be full transparency regarding the resourcing and structure of its compliance function. To help achieve this ICANN should, at a minimum, publish annual reports that detail the following relevant to ICANN’s compliance activities: staffing levels; budgeted funds; actual expenditure; performance against published targets; and organizational structure (including the full lines of reporting and accountability). | Do the current reports provide the details described above? Are they transparent and complete? | The Compliance team has made significant progress in reporting metrics and data in their annual report. They also allocate time during ICANN meetings to meet with the community and provide additional details on their work. The reports are very helpful and quite an improvement over reporting in 2012. In reading the reports it is hard to make an assessment of the issues that are still problematic. 66% of reports to the compliance team are WHOIS inaccuracy reports which comprises the largest areas of the team workload. What is not evident in the data reported is what are the problem areas, what could be improved to assist the team with its work. ICANN Contractual Compliance has an ongoing continuous improvement cycle based on survey feedback, working group and review teams, lessons learned and internal reviews which also drive change. We appreciate that the Compliance team is working hard to receive input from the community.The Compliance team provided additional information to the subgroup. This information is reflected in the overall review of Compliance.  |
| b. This senior executive should report directly and solely to a sub-committee of the ICANN Board. This sub-committee should include Board members with a range of relevant skills, and should include the CEO. | Is the current appointment of a senior executive appropriate? Who does this person report to? | The Compliance team provided an organizational chart for the reporting structure of the team. Although, the SVP Contractual Compliance & Consumer Safeguards reports directly to the CEO the recommendation explicitly states “report directly and solely to a Board sub-committee.” There is no indication that the recommended reporting structure was implemented. The Board action on this recommendation indicates they thought the implemented reporting structure to be adequate. The subgroup will need to ask additional questions concerning the reporting structure. At this point in time we do not believe the recommendation was fully implemented. The intention of the first review team was to ensure this role had the independence needed to perform the compliance function without restriction from the rest of the organization. |
| c. ICANN should provide all necessary resources to ensure that the compliance team has the processes and technological tools it needs to efficiently and pro-actively manage and scale its compliance activities. The Review Team notes that this will be particularly important in light of the new gTLD program, and all relevant compliance processes and tools should be reviewed and improved, and new tools developed where necessary, in advance of any new gTLDs becoming operational. | Does the compliance team have all necessary resources? | It appears that the Compliance team has all the necessary resources to manage compliance activities. They have improved technology over the years and implemented new systems. ICANN organization has provided the budget for the compliance team to grow. They currently have 25? Employees compared to 6 during the first review. They have implemented a bulk WHOIS inaccuracy reporting tool and improved the single input WHOIS inaccuracy tool since the first review team report.  |

In the following subsections, we present the questions this subgroup asked to assess the effectiveness and transparency of ICANN enforcement of existing policy relating to WHOIS (RDS) through Contractual Compliance actions, structure and processes, and our findings and analysis for each.

WHOIS Accuracy

The [2013 Registrar Accreditation Agreement](https://www.icann.org/en/resources/registrars/raa/approved-with-specs-27jun13-en.htm) (RAA) requires ICANN-accredited registrars to comply with the [Whois Accuracy Program Specification](https://www.icann.org/en/resources/registrars/raa/approved-with-specs-27jun13-en.htm%22%20%5Cl%20%22whois-accuracy). There are several avenues in which the ICANN Compliance team receives reports of inaccurate data in the WHOIS.

WHOIS Accuracy Reporting System

Single Whois Inaccuracy report tool

Bulk Submission Whois Inaccuracy tool

WHOIS Accuracy Reporting System (ARS) Project Information

#### WHOIS ARS Background and Goals

The WHOIS ARS project was created both in response to recommendations compiled and delivered by the 2012 WHOIS Review Team, under the [Affirmation of Commitments](https://www.icann.org/resources/pages/aoc-2012-02-25-en) (AoC), as well as to address GAC concerns on WHOIS accuracy. ICANN committed to proactively identify potentially inaccurate gTLD WHOIS contact data and forward this information to gTLD Registrars for investigation and follow-up.

#### WHOIS ARS Phases

The ARS is divided into three phases based on the types of validation identified in [SAC058](https://www.icann.org/en/system/files/files/sac-058-en.pdf):

[Phase 1](https://whois.icann.org/en/whois-ars-phase-1-reporting): Syntax Accuracy

[Phase 2](https://whois.icann.org/en/whois-ars-phase-2-reporting): Syntax + Operability Accuracy

Phase 3: Syntax + Operability + Identity (TBD; requires further consultation with the community as to if and how this phase would be implemented)

#### ARS Accuracy Testing Methods

Syntax and operability accuracy testing were designed to assess the contact information of a WHOIS record by comparing it to the applicable contractual requirements of the RAA.

Syntax testing assessed the format of a record (e.g., does the email address contain an “@” symbol?)

Operability testing assessed the functionality of the information in a record (e.g., did the email not get bounced back?).

The resulting data were analyzed to produce statistics of syntax and operability accuracy for WHOIS contact information across subgroups such as New gTLDs or Prior gTLDs, Region, and RAA type (i.e., 2009 RAA or 2013 RAA, <https://www.icann.org/resources/pages/registrars/registrars-en>)

#### ARS Sample Design

A two-stage sampling method is used on the WHOIS ARS project to provide a large enough sample to reliably estimate subgroups of interest, such as ICANN region, New gTLD or Prior gTLD, and RAA type. Two samples are prepared at the beginning of each report cycle:

An initial sample of 100,000-200,000 WHOIS records

A sub-sample of the initial sample of 10,000-12,000 WHOIS records, which is used for accuracy testing

ICANN Contractual Compliance’s participation in the WHOIS Accuracy Reporting System (ARS) is limited to providing guidance for RAA obligations regarding syntax and accuracy, and processing complaints generated by the WHOIS ARS. The WHOIS ARS is managed by ICANN’s GDD.

The following chart is from the WHOIS ARS report cycle from October 2017. The WHOIS ARS sample of 12,000 domain names are reviewed for WHOIS accuracy and when an inaccuracy is found a ticket is created. Of the sample of the domain names over one third (4,681) required a ticket to be created. Over half of those tickets (2,498) were closed before a 1st notice was sent out.

ICANN Contractual Compliance Metrics for WHOIS ARS Phase 2 Cycle 4
(Data as of 1 October 2017)



Analysis: Why would over 50% of the tickets created in this process not require any action? According to the chart below 47.4% of the data in the WHOIS records changed between the time it was reviewed as part of the sample and reviewed a second time when the ticket was processed. This appears to be a high percentage of change in a WHOIS record that historically we do not see much change. If you extrapolated this data to all the WHOIS records in gTlds as a whole that could mean that almost 50% of WHOIS records are modified in a short period of time.

It is also interesting that 72.6% of tickets are closed after the 1st notice due to the registration being cancelled or suspended. This would seem to indicate that most inaccurate data entered into the WHOIS record is done so intentionally, otherwise the registrant would respond and update the information to accurate information to maintain the domain name registration. Only 14.9% of the tickets were closed after the 1st notice due to the registrant updating and correcting their registrant data.

The WHOIS record still exists with suspended domain names and the registrar can choose to unsuspend at any moment. The inaccuracy issue remains and should be addressed.

There are many reasons a domain name could be suspended that does not relate to an inaccuracy report most of them for abusive activity. The inaccurate data still is visible in the Whois this can cause many issues for the individual or entity that have right to the data. If this data is displayed at a future date with only a suspended designation this does not accurately represent the history of the domain name.

A suspended domain name should not be unsuspended by registrar without verification of registrant data.

Recommendation – Domain names suspended due to inaccurate information and remain in that state until it is due for renewal the WHOIS record should be updated to a new status and the inaccurate data removed.

A domain name with suspended status cannot be unsuspended until a WHOIS verification has been completed.

Grandfathered domain names

40% of the WHOIS ARS domain names that are sampled for this program are grandfathered domain names and are not required to adhere to the 2013 RAA. The 2009 RAA does not require the collection and display of Registrant email address, postal address or phone number. These domain names are legacy gTlds and registered before 2013(is this accurate? ) If we assume the sample of ARS domain names of 40% grandfathered domain names then we can extrapolate this to 40% of all domain names registered before 2013 MAY not have this registrant data collected and displayed. (find out how many legacy tlds were registered in 2013). This may account for ? domain names.

We have asked the compliance team to provide data on this statistics but they do not track this data.

Recommendation – Assess the grandfathered domain names to see if this is a problem if so a new policy should be to ensure all gTlds adhere to the requirements of registrant data collection in the 2013 RAA. Once a policy is implemented all gTld registration must adhere to the new rules within a 12 month period.

Regional WHOIS Inaccuracy Complaints

It appears that there are regions of the world in which few inaccuracy complaints are submitted. In the chart below the global south, Africa and Latin America are under represented in the number of submissions.

Recommendation – Review the ARS domain names sampled for region and whether or not low submission rates are due to the lack of knowledge of WHOIS Inaccuracy tool.



Inaccuracy Reporting tool – Single submission

Anyone can report inaccurate WHOIS data to the compliance team by using the complaint tool on the ICANN.org website.

https://forms.icann.org/en/resources/compliance/complaints/whois/inaccuracy-form

This form allows you to submit a complaint to ICANN regarding incomplete or incorrect Whois data for one domain name, including privacy or proxy contact information. The complaint is then forwarded to the sponsoring registrar, who must take reasonable steps to investigate and correct inaccurate data.

Please note: To update your own contact information, go to [Correct My Whois Data](http://www.icann.org/en/resources/compliance/complaints/whois/correct-data%22%20%5Ct%20%22_blank) to find out how.

To avoid delays in processing your complaint, please provide detailed explanation regarding each inaccuracy selected using the “Comment” field(s).

[Items with an asterisk (\*) are required]

Top of Form

Name \*

Email \*

Domain Name \*

I do not want my e-mail address disclosed to the registrar who the domain name is registered with. If checked, please give reason below.

The Bottom of Form

When ICANN receives complaints or otherwise has information that suggests these

requirements are not being fulfilled by a registrar, ICANN Contractual Compliance

will review the registrar’s compliance through a WHOIS Inaccuracy complaint. ICANN makes its compliance determination by conducting the following steps during its reviews:

1. Review the complaint to determine whether it is in scope of the requirements.

2. Review what WHOIS information the reporter claims to be inaccurate.

Follow up with  reporter if unclear on the inaccuracy reported and request additional information. Such information may include a request for evidence of the alleged inaccuracy (e.g., an email rejection notice or returned postal mail) or further explanation regarding why the data is invalid (e.g., explanation to support an allegation that the contact information does not belong to the listed contact in the WHOIS). Reporters are requested to respond within 5 business days. The complaint is closed absent receipt of adequate information for processing.

3. Confirm the WHOIS information is available from the registrar by querying the domain name(s).

4. Confirm the WHOIS format per Section 1.4.2 of the Registration Data Directory Service (Whois) Specification also known as RDDS.

5. Confirm that all required WHOIS fields have values present.

6. Confirm that the WHOIS information has no glaring inaccuracies on its face.

7. Review the reporter’s complaint history in the compliance ticketing system to avoid  processing of duplicative complaints and obtain additional information from other  complaints, as applicable.

8. Once above checks are complete, ICANN will commence the informal resolution  process by sending a 1st notice to the sponsoring registrar. o WHOIS Inaccuracy complaints allow the registrar a 15-5-5 business day timeline  to respond during the Informal Resolution period for the 1st, 2nd and 3rd  notices, respectively.

9. To demonstrate compliance, a 2013 RAA registrar must

:  o Contact the Registered Name Holder (RNH) 1

 o Verify the RNH email address with an affirmative response

 o Provide the results of the registrar’s investigation

 o Validate the format of the WHOIS information

 o Suspend domain within 15 days if unable to verify

10. When the registrar demonstrates compliance:

 o ICANN assigns a resolution code to the complaint detailing the outcome of the

review

 o ICANN sends a closure communication to the registrar and the reporter

ICANN Contractual Compliance recently began reporting on closure reasons by complaint type, including those for WHOIS Inaccuracy complaints. These metrics are reported on a quarterly basis and the first quarter of 2018’s report is found at <https://features.icann.org/compliance/dashboard/2018/q1/registrar-resolved-codes>. These closure codes are very helpful in understanding the data provided.



Analysis: In reviewing the additional information in the dashboard report it appears that many inaccuracy reports are not valid reports. We asked what would be helpful for the compliance team when reports are submitted.

Additional evidence in WHOIS Inaccuracy complaints that compliance might find useful if the reporter provides are listed below:

Evidence of returned mail sent to the postal address listed in the WHOIS information

Evidence of a bounceback or undeliverable email notification for email sent to the email address listed in the WHOIS information

Evidence or explanation why the telephone number listed in the public WHOIS is not accurate

Evidence or explanation why the person or entity listed in the public WHOIS does not exist or is not the registered name holder (RNH)

Recommendation:

Additional outreach and education on how to file a report and what is critical to provide.

Bulk WHOIS Inaccuracy complaint tool

ICANN Contractual Compliance provides a mechanism for bulk WHOIS inaccuracy complaint submissions, which allows a user to submit multiple complaints through a single file upload. Each user can submit up to 300 total complaints per week. The complaints are processed in the same method and queue for WHOIS inaccuracy complaints. Users of the bulk system must agree to mandatory terms of use, and their complaint quality is monitored by ICANN to ensure submission of complaints are within scope of the RAA and WHOIS requirements. There are currently approximately ten approved users for the bulk system, and within the past six months, three were active users.

Analysis: This tool did not exist until November 2013 and only 10 users are approved to use the tool. Last year only 3 users actually used the tool to report WHOIS records in bulk.

Insert the criteria used to approve users of tool

Recommendation?

Publicize and encourage the use of the Bulk Whois inaccuracy reporting tool

Proactive inaccuracy trend analysis

It appears that the Compliance team does little in proactive actions to discover and remediate issues with WHOIS data. When the subgroup asked the compliance team about this they responded that they performed proactive monitoring of the WHOIS verification reiew in the APAC region. Other than this, it appears that reactive enforcement is the norm. When a ticket is filed it is actioned and responded to. This is not optimal for the security and stability of the internet.

The compliance team does have access to other sources of data through the DAAR reports.

Recommendation: Contractual compliance should proactively monitor and enforce to address systemic issues. Take a risk based approach to assess, and understand the inaccuracy issues and take the appropriate compliance actions to mitigate risk in systemic complaints.

OPEN QUESTIONS

Cross validation of whois information? Where does this stand? What is the compliance issue?

Look at list of new policies in Anything new and list suggested compliance responsibilities. Subgroup to try testing recommendation on WHOIS policies that are being examined by this review (e.g., PP, IDN) to see if metrics/monitoring/reporting and enforcement have been defined for those – In process

# Problem/Issue

In the following table, we present the specific compliance principles recommended by the prior RT, the questions this subgroup asked to assess implementation of those principles, and the problems/issues identified by the subgroup for each.

| RT1-Recommended Principle | Question | Problem/Issue |
| --- | --- | --- |
| a. There should be full transparency regarding the resourcing and structure of its compliance function. To help achieve this ICANN should, at a minimum, publish annual reports that detail the following relevant to ICANN’s compliance activities: staffing levels; budgeted funds; actual expenditure; performance against published targets; and organizational structure (including the full lines of reporting and accountability). | Do the current reports provide the details described above? Are they transparent and complete? | We appreciate that the Compliance team is working hard to receive input from the community but WHOIS inaccuracy report data provided by the compliance team is not clear on several points. We have heard that there is inconsistency in experience and results received from users submitting inaccuracy reports. From the data we have reviewed it is not easy to assess if there is truly a problem or a perception of a problem. More in depth review should be performed of the responses they provided in the second set of questions. Registrars are contractually required by the 2013 Registrar Accreditation Agreement (RAA) to confirm and conduct verification and validation of the accuracy of WHOIS information. ICANN Contractual Compliance receives complaints via web forms, email to compliance@icann.org, the bulk WHOIS inaccuracy submission tool and through proactive monitoring or internal referrals. When ICANN receives complaints or otherwise has information that suggests these requirements are not being fulfilled by a registrar, ICANN Contractual Compliance will review the registrar’s compliance through a WHOIS Inaccuracy complaint. ICANN makes its compliance determination by conducting the following steps during its reviews: 1. Review the complaint to determine whether it is in scope of the requirements.  2. Review what WHOIS information the reporter claims to be inaccurate. Follow up with  reporter if unclear on the inaccuracy reported and request additional information. Such information may include a request for evidence of the alleged inaccuracy (e.g., an email rejection notice or returned postal mail) or further explanation regarding why the data is invalid (e.g., explanation to support an allegation that the contact information does not belong to the listed contact in the WHOIS). Reporters are requested to respond within 5 business days. The complaint is closed absent receipt of adequate information for processing.  3. Confirm the WHOIS information is available from the registrar by querying the domain name(s).  4. Confirm the WHOIS format per Section 1.4.2 of the Registration Data Directory Service (Whois) Specification also known as RDDS.  5. Confirm that all required WHOIS fields have values present.  6. Confirm that the WHOIS information has no glaring inaccuracies on its face.  7. Review the reporter’s complaint history in the compliance ticketing system to avoid  processing of duplicative complaints and obtain additional information from other  complaints, as applicable.  8. Once above checks are complete, ICANN will commence the informal resolution  process by sending a 1st notice to the sponsoring registrar. o WHOIS Inaccuracy complaints allow the registrar a 15-5-5 business day timeline  to respond during the Informal Resolution period for the 1st, 2nd and 3rd  notices, respectively.  9. To demonstrate compliance, a 2013 RAA registrar must:  o Contact the Registered Name Holder (RNH) 1   o Verify the RNH email address with an affirmative response o Provide the results of the registrar’s investigation o Validate the format of the WHOIS information o Suspend domain within 15 days if unable to verify 10. When the registrar demonstrates compliance: o ICANN assigns a resolution code to the complaint detailing the outcome of the review o ICANN sends a closure communication to the registrar and the reporter  |
| b. This senior executive should report directly and solely to a sub-committee of the ICANN Board. This sub-committee should include Board members with a range of relevant skills, and should include the CEO. | Is the current appointment of a senior executive appropriate? Who does this person report to? | Additional review is needed to determine whether or not it is feasible to adhere to the intentions of the RT 1 recommendation. Why did the Board make the decision to not implement the recommendation fully?What challenges would ICANN org face in requiring an employee of the org to report to the Board. Are there examples of this reporting structure we could review in other businesses?  |
| c. ICANN should provide all necessary resources to ensure that the compliance team has the processes and technological tools it needs to efficiently and pro-actively manage and scale its compliance activities. The Review Team notes that this will be particularly important in light of the new gTLD program, and all relevant compliance processes and tools should be reviewed and improved, and new tools developed where necessary, in advance of any new gTLDs becoming operational. | Does the compliance team have all necessary resources? | We may want to take a closer look at how long it takes the compliance team to implement new technology. It is the RT’s opinion that the Compliance team has sufficient resources but does not utilize the information for proactive assessment and enforcement. |

Problems and issues related to the effectiveness and transparency of ICANN enforcement of existing policy relating to WHOIS (RDS) through Contractual Compliance actions, structure and processes should be inserted here by moving text from Section 3.

# Recommendations

[To be completed for each recommendation - if any - suggested by the subgroup]

Recommendation #1:

All new policies implemented should be required to be measured, audited and tracked by the compliance team. Consistent Labelling and Display policy requires a registrar abuse contact email address and contact phone. This would be displayed in the WHOIS record. Possible to include this in the audit of a registrar?

Findings:

For the Registry Registration Data Directory Services Consistent Labelling and Display Policy - What is the compliance rate for registrars that have implemented this policy?

Registrar Abuse Contact Email Registrar Abuse Contact Phone

The following is the response from the compliance team:

The Registry Registration Data Directory Services Consistent Labeling and Display Policy is a policy imposed on registry operators, with the exception of .com, .jobs and .net. The policy requires registry operators to include in the registry WHOIS output the Registrar Abuse Contact Email and Registrar Abuse Contact Phone fields, among other things.

Compliance rate of registrars with this registry operator requirement is not something that ICANN has attempted to measure. Additionally, measuring the cause of a registry operator’s noncompliance with the requirement may be difficult, as it is not obvious from the registry operator’s WHOIS output. For example, the registry operator’s noncompliance may be entirely within its control (e.g., it has obtained the registrar’s abuse contact information but is not displaying it) or, in part, due to the registrar’s (in)action (e.g., the registrar has not yet provided the registry operator with its abuse contact information).

Rationale:

1. What is Intent of recommendation and envisioned outcome?
	1. To ensure that all new policies are measured, audited, tracked and enforced by the compliance team
2. How did the finding lead to this recommendation?
	1. The Subgroup asked about compliance statistics of the CLDP.
3. How significant would impact be if recommendation not addressed?
	1. This information is also a requirement of the 2013 RAA so hopefully registrars are complying.
4. Is it aligned with ICANN’s Strategic Plan and Mission?
	1. An abuse point of contact, in light of the GDPR, will assist with the stability and security of the DNS.
5. Is it in compliance with scope Review Team set?
	1. Yes

Impact of Recommendation:

Registrars and Registries will be impacted by this recommendation along with the compliance team. It will add to security and transparency.

Feasibility of Recommendation: [Document feasibility of recommendation]

Implementation:

1. Who are responsible parties that need to be involved in implementation
	1. Community/ICANN org/combination
2. What is the target for a successful implementation?
	1. Knowledge of compliance with the policy.
3. Is related work already underway and how will that dovetail with recommendation?
	1. No
4. What is the envisioned implementation timeline?
	1. Immediately upon approval by Board.

Level of Consensus

Recommendation #2: (May belong in the Data Accuracy subgroup)

Require all domain name registrations adhere to the WHOIS requirements in the 2013 Registrar Accreditation Agreement. Once a policy is implemented all gTld registration must adhere to the new rules within a 12 month period

Findings:

In the WHOIS Accuracy Reporting System (ARS) report categorize the domain name registrations that only must adhere to the 2009 RAA WHOIS requirements separately from those that must adhere to the 2013 RAA.

“the only difference between 2013 and 2009 RAA operability requirements is that the 2009 RAA requirements do not require that information be present in the registrant email or telephone number fields, while 2013 RAA require the presence of information in those fields.”

The report estimates that of the 12000 domain names reviewed for compliance 40% were 2009 grandfathered domain names and do not have to meet the same requirements as domain names registered after the 2013 RAA was implemented. Considering that the only way these domain names would have to comply with the 2013 RAA is if they were deleted and registered again. This does not seem likely since early registrations are often the most valuable. They are often sold but not deleted.

Rationale:

1. What is Intent of recommendation and envisioned outcome?
	1. Create one standard of requirements for WHOIS data
2. How did the finding lead to this recommendation?
	1. We should not have two sets of requirements for operability.
3. How significant would impact be if recommendation not addressed?
	1. The subgroup has not found information to determine how many domain name registrations do not contain Registrant email address or telephone number. It may not be an issue if the registrants have proactively provide the information without the requirement to do so.
4. Is it aligned with ICANN’s Strategic Plan and Mission?
	1. It will add to the security and stability of the DNS
5. Is it in compliance with scope Review Team set?
	1. Yes

Impact of Recommendation:

Registrars and Registries will be impacted by this recommendation along with the compliance team.

Feasibility of Recommendation:

This is a feasible recommendation. Would require the registrar to collect the information from the registrants. This could be done on renewal of the domain name.

Implementation:

1. Who are responsible parties that need to be involved in implementation?
	1. Community/ICANN org/combination) Registrants, registrars, compliance team
2. What is the target for a successful implementation?
	1. 100% of domain name registrations comply with the 2013 RAA.
3. Is related work already underway and how will that dovetail with recommendation?
	1. Unknown

Additional Proposed Recommendations

Recommendation #3

Domain names suspended due to inaccurate information and remain in that state until it is due for renewal the WHOIS record should be updated to a new status and the inaccurate data removed.

A domain name with suspended status cannot be unsuspended until a WHOIS verification has been completed.

Recommendation #4:

Additional outreach and education on how to file a WHOIS inaccuracy report and what is critical to provide.

Recommendation #5:

Publicize and encourage the use of the Bulk Whois inaccuracy reporting tool.

Recommendation #6– Assess the grandfathered domain names to see if this is a problem if so a new policy should be to ensure all gTlds adhere to the requirements of registrant data collection in the 2013 RAA. Once a policy is implemented all gTld registration must adhere to the new rules within a 12 month period.

Recommendation #7 All policies implemented should require metrics, measurement, auditing, tracking, reporting and enforcement by the compliance team.

Recommendation #8– Review the ARS domain names sampled for region and whether or not low submission rates are due to the lack of knowledge of WHOIS Inaccuracy tool

After discussion by subgroup of proposed recommendations then will need to be finalized, along with rationale, impact and feasibility