

ICANN's Contractual Compliance Program

Tuesday, 25 October 2011



Agenda

- General Updates
- Overview of Activities
- Going Forward
- Feedback

One World

One Internet



Dakar
SÉNÉGAL
N°42 23 - 28 October 2011



Our Vision, Mission and Approach

ICANN's Vision

One World. One Internet.



Contractual Compliance's Vision

To be a "trusted"
Contractual
Compliance
service provider

ICANN's Mission

To coordinate, at the overall level, the global Internet's systems of unique identifiers, and in particular to ensure the stable and secure operation of the Internet's unique identifier systems.



Contractual Compliance's Mission

To preserve the security, stability and resiliency of the Domain Name System and to promote consumer trust

ICANN's Approach

Open and Transparent
Equitable Treatment



Contractual Compliance's Approach

Prevention through collaboration
Transparency through communication
Enforcement

Contractual Compliance Regime For new gTLD readiness within the Multi-stakeholder Model

2012 Focus Areas

- Process Mapping
- Standardized Procedures
- Exploring new Metrics
- Enhance Communications
- Enhance Collaboration
- Staffing Assessment
- January 2013 string delegation

**FORMAL
RESOLUTION**
Terminations
Breach Notices

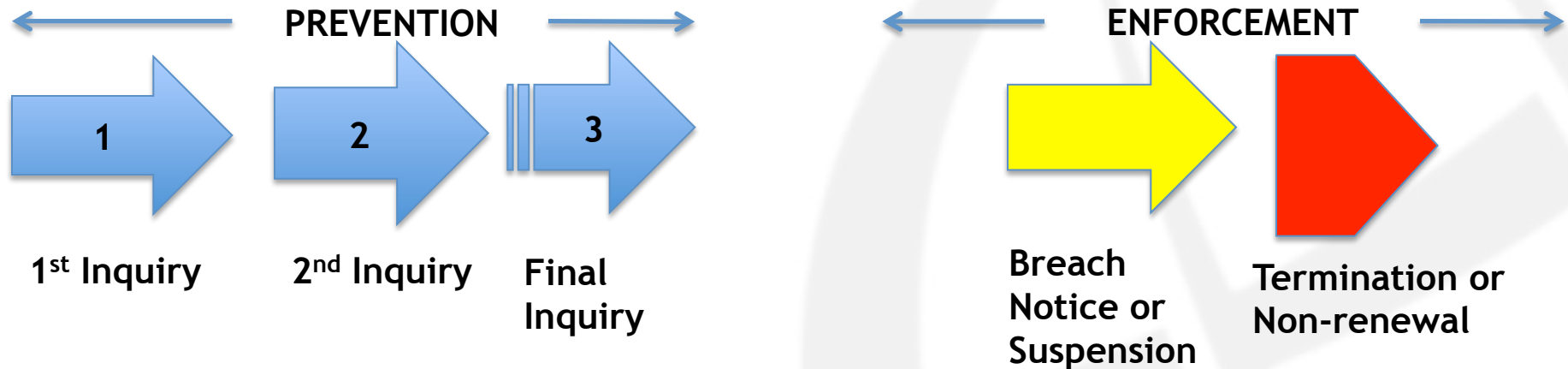
INFORMAL RESOLUTION
Inquiries & Warnings
Advice & Persuasion

PREVENTATIVE ACTIVITES
Monitoring Audits
Education & Outreach

SELF-REGULATION
Annual Self-assessment
Industry Best Practice



Contractual Compliance Cycle



Once a breach notice is sent -

- ✓ **Publish** the notice on the website
- ✓ Continue to work with registrars during the cure period
- Publish updates regarding the breach**
- ✓ Publish termination or non-renewal

Agenda

- ✓ **General Updates**
- Overview of Activities**
 - Prevention
 - Enforcement
- On going**
- Feedback**



Overview of Activities - Prevention

2,764
Inquiries
Sent to
Registrars
June – Sept
2011

ISSUE	NUMBER OF 1 st INQUIRIES	NUMBER OF INQUIRIES SENT TO ENFORCEMENT
Data Escrow AUDIT	50	0
Data Escrow MISSED or INVALID DEPOSITS	24	3
WHOIS - Access & Accuracy	493	0
Inter Registrar Transfer	2163	0
Financial	17	5

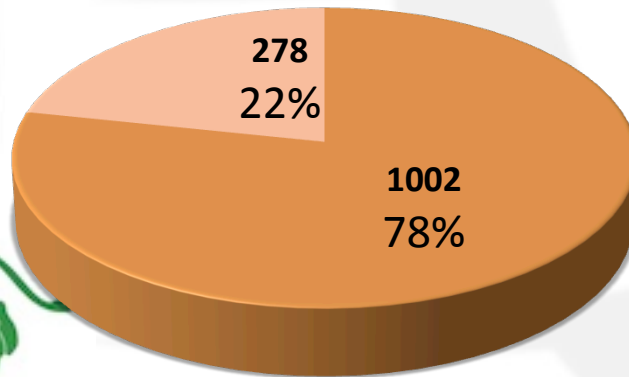


WHOIS Activities

Summary of Staff WDPRS Activity during the trimester.

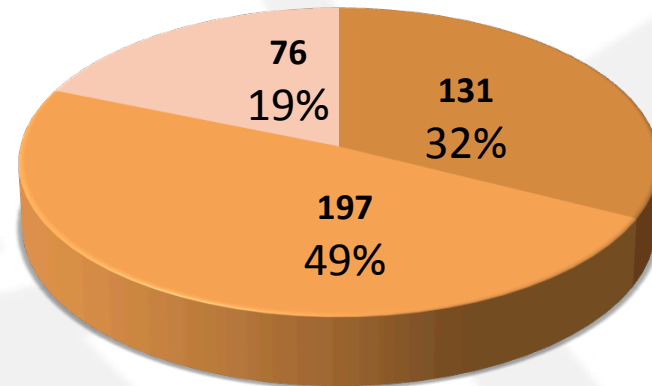
1280 Reports Reviewed

- TICKETS CLOSED
- TICKETS OPEN



**404
45-Day Notices To Registrars**

- TICKETS CLOSED
- TICKETS OPEN DUE TO NON-RESPONSE
- TICKETS OPEN FOR FOLLOW-UP AFTER RESPONSE



WDPRS Ticketing Process

A closed ticket is one in which:

- a) The registrar verified the Whois Data to be accurate
- b) The Whois Data was updated
- c) The domain name was deleted, suspended, or expired
- d) The domain name was transferred
- e) The report was considered invalid

A ticket that remains open, but requires follow-up is one in which:

- a) The registrar sent steps and initiated investigation, but offered no resolution
- b) The registrar claimed to put domain on hold, but upon review, the domain did not appear to be suspended
- c) The registrar suspended domain, but only through the nameservers
- d) The registrar claimed the data was corrected, but upon review, the data appeared the same
- e) The registrar/registrar claimed the data is correct, but upon review, data appears blatantly invalid



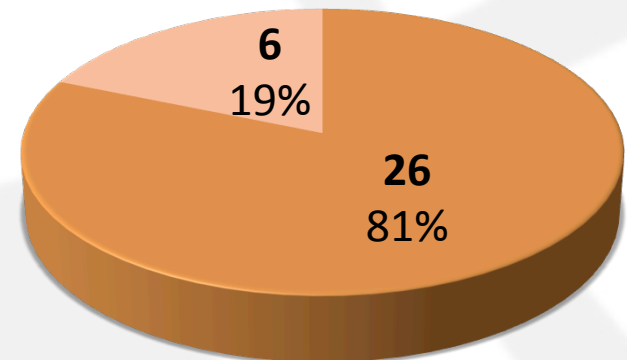
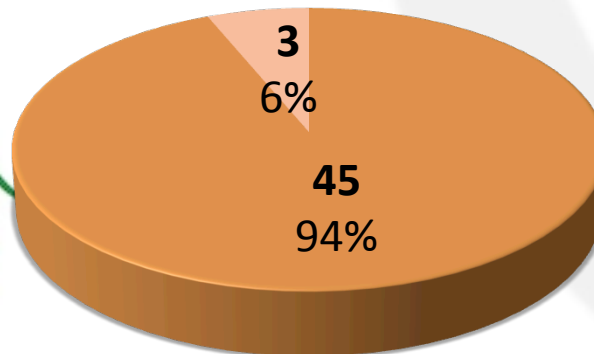
PORT 43 Monitoring

48 INSTANCES OF APPARENT PORT 43 WHOIS ACCESS ISSUES
Involving 37 registrars

32 INSTANCES REQUIRED COMPLIANCE INQUIRIES
3 under review and require further action

- INSTANCES RESOLVED
- INSTANCES UNDER INVESTIGATION

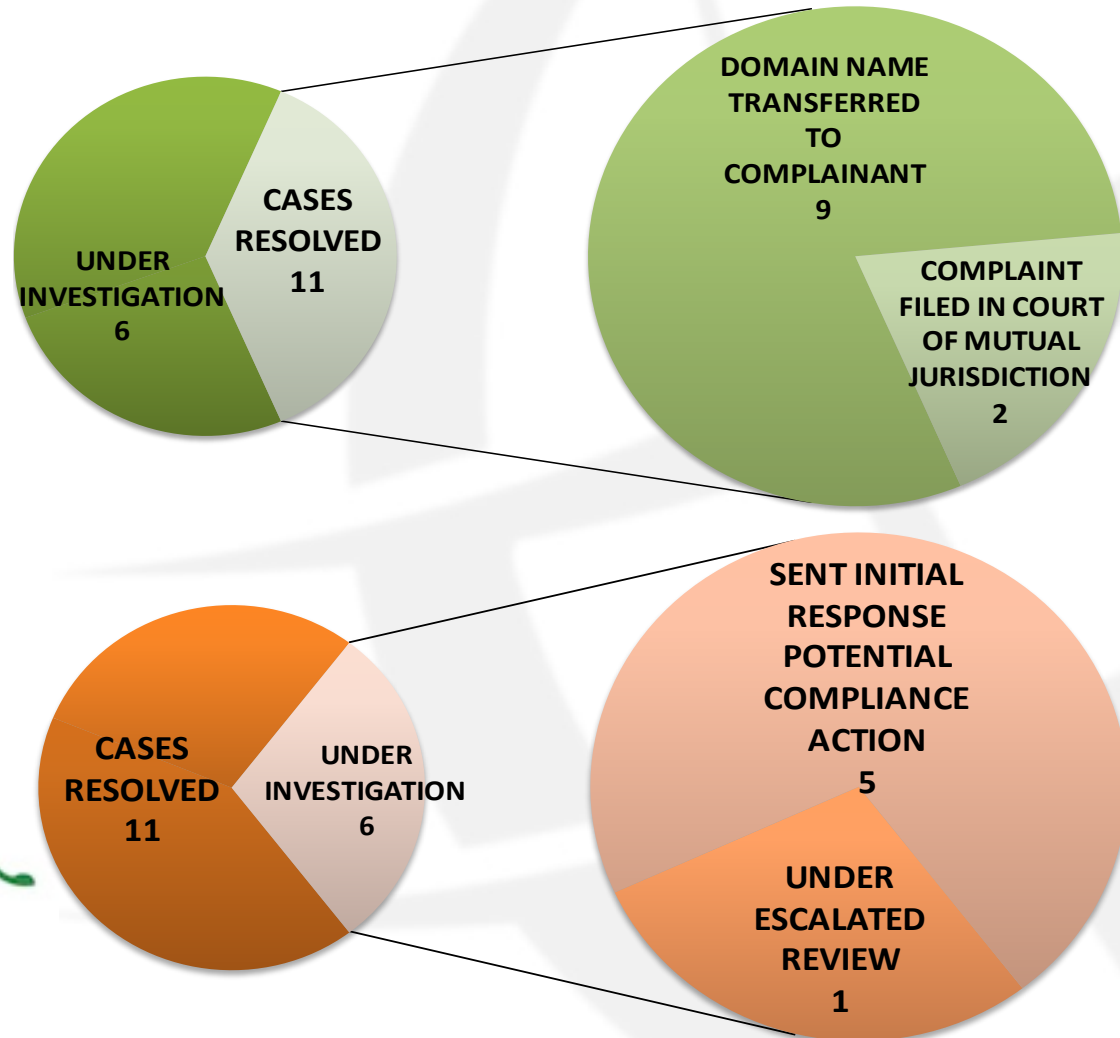
- INSTANCES RESOLVED AFTER INQUIRY
- INSTANCES REQUIRING ESCALATED COMPLIANCE ACTION



UDRP Monitoring

<http://www.internic.net/UDRPIntakeReportSystem.html>

Staff received 17 allegations of registrars failing to implement UDRP decisions.



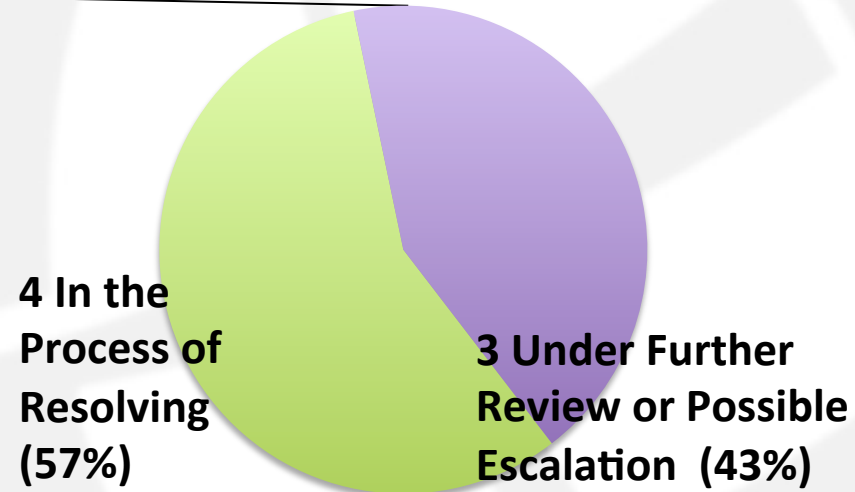
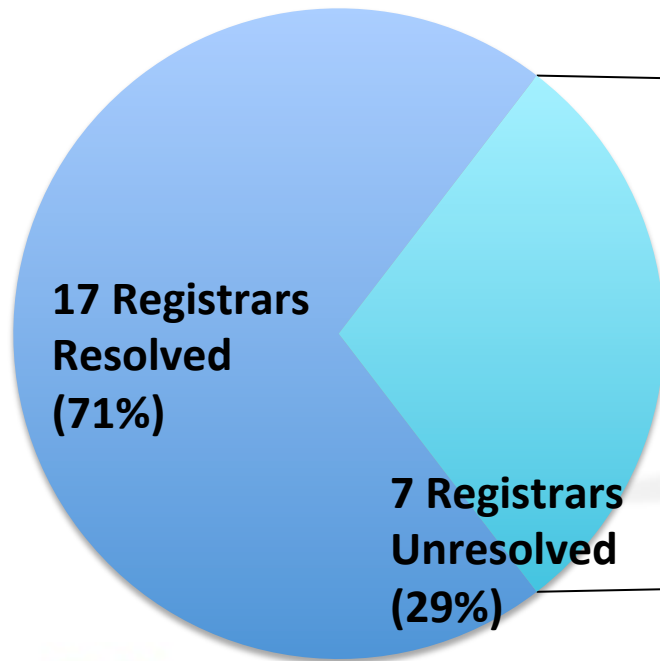
Registrar Data Escrow (RDE)

- Intended as a registrant protection measure
- Most ICANN-accredited registrars elected to escrow data with Iron Mountain
- During this trimester, we:
 - Allocated dedicated resources for monitoring and following up
 - Closely collaborated with Iron Mountain to help registrars become RDE compliant



RDE Missed/Invalid Deposits

June - September 2011

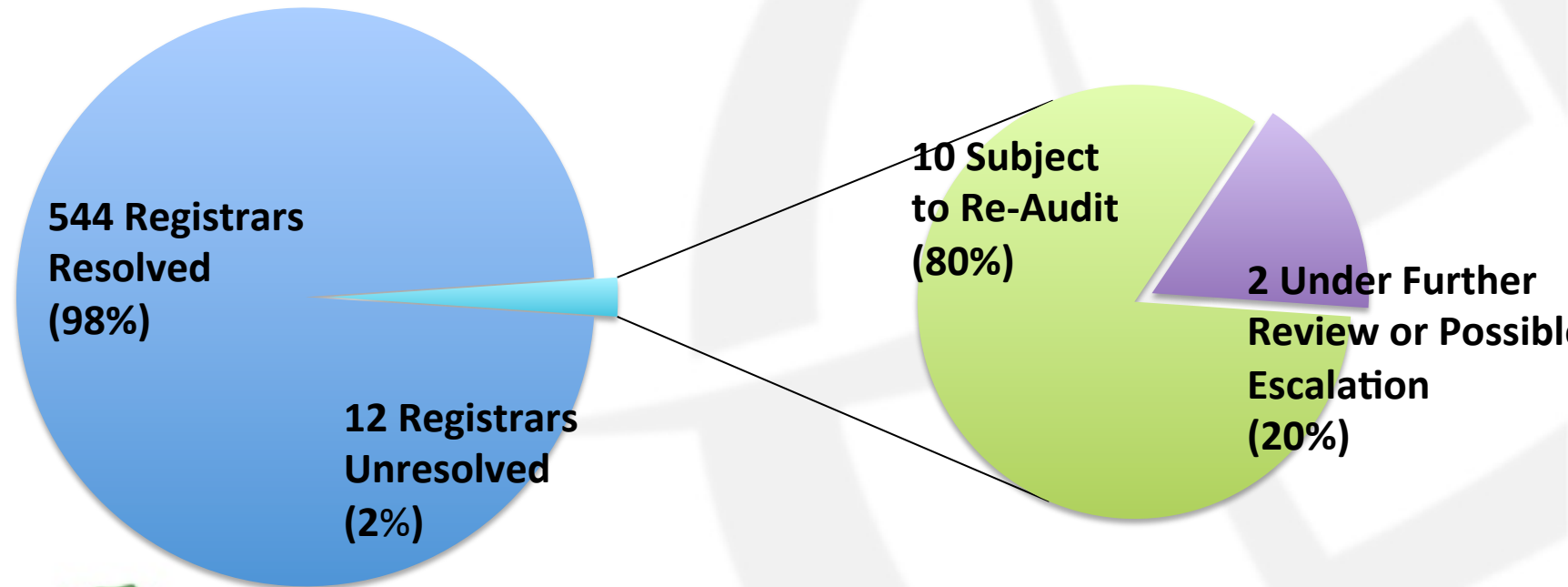


- 24 Registrars non-compliant.
- 17 Registrars resolved / 7 Resolving
- Main non-compliance issues are missed schedule deposits or not depositing full file, eg hash.txt file



RDE Audits

June - September 2011



- 556 RRs covered in audits = 101m domains
- 544 resolved / 12 resolving with Iron Mountain
- Main non-compliance issue is an invalid Header Row format



Inter-Registrar Transfer Policy (IRTP)

- No. 1 Consumer Complaints
- Average 400 to 500 complaints/month
- What ICANN has done about it- :
 - August 2010 - July 2011 followed up over 4600 transfer complaints;
 - Conducted a formal audit:
<http://www.icann.org/en/compliance/reports/irtp-audit-report-13dec10-en.pdf>

- More work needs to be done at registrar level and better registrant education



Overview of Compliance Enforcement Activities

Escalated Compliance Notices Sent - 9

RAA Non-Renewals Considered - 4



9 Escalated Compliance Notices Sent June - September 2011

RAA VIOLATIONS	TOTAL NUMBER OF NOTICES
Data Escrow	4
Interactive Web Page and Public Access to Data	2
IRTP	2
Accurate Primary Contact Information	1
Operate as a Registrar	1
Maintain an Electronic Database	1
Accreditation Fees	5



RAA Non-Renewals Considered June - September 2011

4 Registrars Considered for RAA Non-Renewal based on:

- Whois violations
- Interactive web page
- Deletion and auto-renewal policy on website
- Accreditation fees

All 4 Registrars **corrected** the contract breaches before contract expiration



LE Referrals Received

May-Oct 2011

Raised by: US (FBI, DEA, FDA) and UK - SOCA

Four types of activities at issue:

- Registrant activities regarding online illegal pharmacies
- Inaccurate Registrar contact data
- Registrants Malware spreading thru domain names
- Ongoing verification of allegations of Spam + trademark violation reports

ICANN's primary role: To determine if there is an RAA violation and take action as appropriate



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Improve Communication

- Contact ICANN if your registrar and registry:
 - encounters serious operational problems (emergency or natural disaster); or
 - detects a serious non-compliance issue
- So that, **TOGETHER**, we can work towards:
 - Better coordinating appropriate response
 - Better informing community of problem/issue
 - Minimizing harm/damage



Focus on Prevention

Prevention is the key

- Know the contractual obligations
- Train customer services/compliance staff
- Educate
- Keep contact information (RADAR) up to date
- Respond to ICANN's inquiries/correspondence
- Work with ICANN to resolve issues

Cure breach in a timely manner



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Feedback

- What are your expectations from Contractual Compliance?
- What issues or challenges?
- What information is valuable to you?

Please send your feedback to Compliance@icann.org.
Title message: Feedback



Wednesday Outreach Sessions

Room B-8

9:00 - 10:30 Registrar Self-Assessment

10:45 - 12:00 Q&A/Discussion

2:00 - 3:30 Registrar Data Escrow

3:30 - 5:00 Q&A / Discussion



Thank You

