



2012 North American Regional gTLD Registry and ICANN- Accredited Registrar Event

Contractual Compliance Update
17 May 2012

Agenda

- Operational Update**
 - **Compliance Tools Update**
 - **Approach and Turn-around Time**
 - **Suspension Process Update**

- Transfer Policy Changes Effective 1 June 2012**

- Validation Challenges and Recommendations**

Compliance Tools Update

Focus: Automation - Tracking - Reporting

Status

On Track

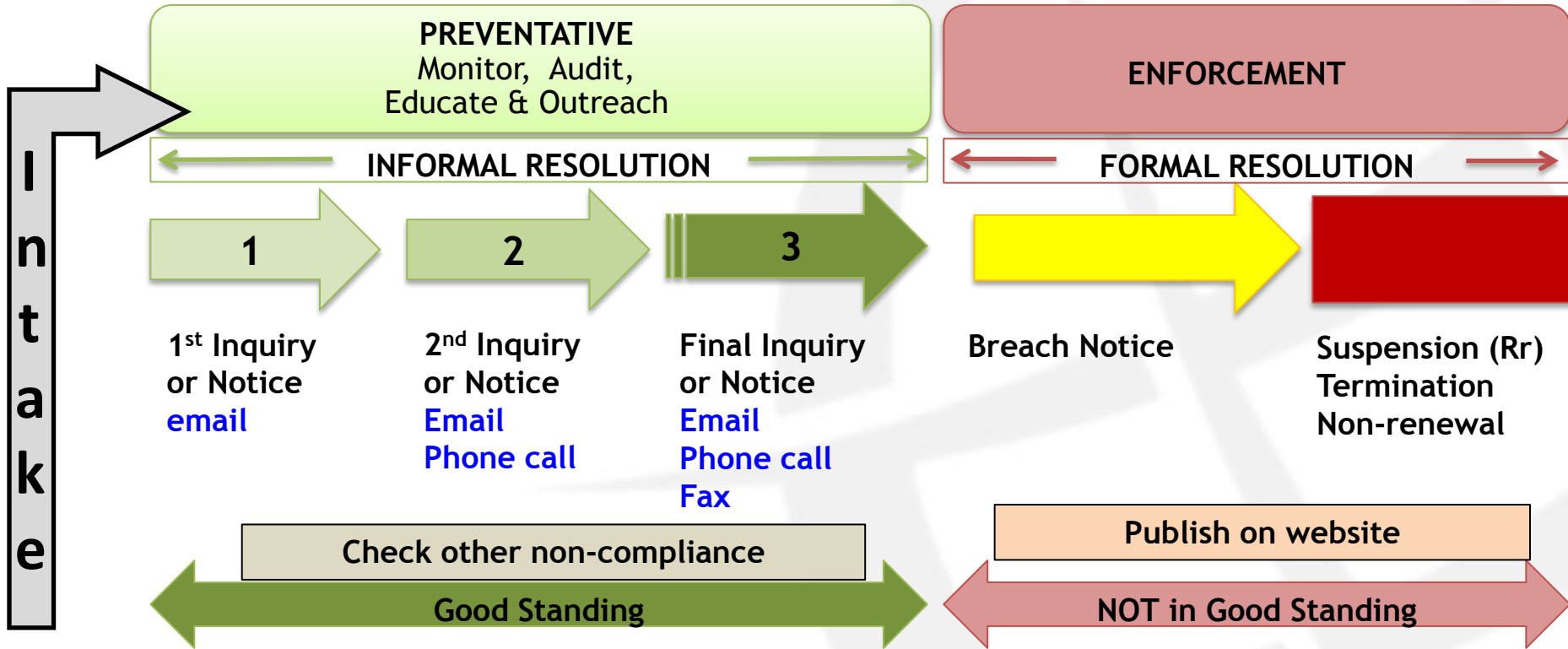
Short Term (Now to August 2012)

- Enhance current ticketing applications to incorporate business prevention process steps (3 steps)
- Launch new document management tool
- 2 Feasibility studies underway for a consolidated contractual compliance system
 - a) Upgrade current tools
 - b) Explore other tools

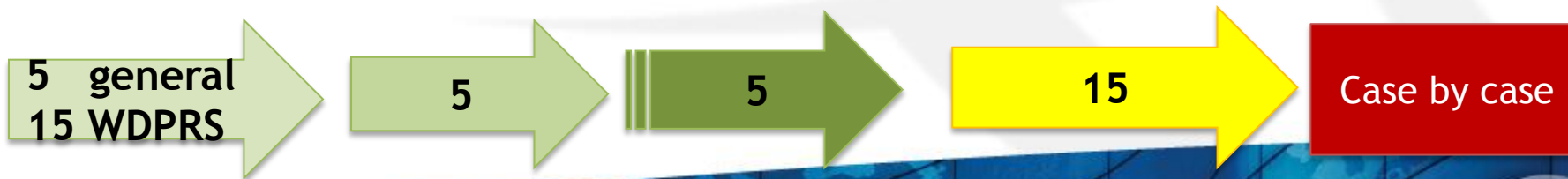
Building Prototype

- Investigate and provide a reporting tool for metric data analytics
- Upload data to report on 3 step process

General Approach & Turn Around Time



Turn Around Time in Business days



WDPRS Changes Coming Soon...

Notices	Sent to	Impact on Registrar
1 st Notice	WHOIS Contact	Registrars required to respond 15 business days from date of alleged WHOIS inaccuracy
2 nd Notice	WHOIS Contact & Primary Contact	Registrar will receive additional notification with 5 business days to respond.
3 rd Notice	WHOIS Contact & Primary Contact	Registrar will receive additional notification with 5 business days to respond.

Registrars must provide the correspondence with the registrant while investigating this WHOIS inaccuracy claim (including dates and times and means of inquiries, telephone number, e-mail addresses, and postal addresses used)

Compliance UDRP Changes

Coming Soon...

Notices	Sent to	Impact on Registrar
1 st Notice	UDRP Contact	Registrars required to respond 5 business days from date of UDRP inquiry shortened from 10 business days
2 nd Notice	UDRP Contact & Primary Contact	Registrars will receive additional notification with 5 business days to respond.
3 rd Notice	UDRP Contact & Primary Contact	Registrar will receive additional notification with 5 business days to respond.

Registrars must provide the correspondence in which registrar communicated to ICANN, the Provider and the Parties the **date for the implementation** of the Decision & **findings of the complaint + steps taken** to address the complaint or otherwise

Registrar Suspension Update

Suspension Criteria (section 2.1 in 2009 RAA)

... suspend a registrar's **ability to create new registered names or initiate inbound transfers** of registered names for one or more TLDs for **up to a twelve (12) month**

Suspension Duration:

1. X days up to 12 months
2. Suspend until termination
 - Not cured and/or No or little effort
3. Suspend pending cure
 - Work underway to cure and/or Work not completed

[Frequently Asked Questions Link](#)

Suspension Communication

Breach Notice Period

- Monitor progress during breach period
- Heads-up to potential registry operators re a “potential” suspension

Suspension Notice

- Communicate Suspension to registrar
- Communicate Suspension to potential registry operators
- Publish suspension notice

Suspension Period

- Validate with registrar (checkpoint)
- Monitor the registrar’s registration activities
- Inform relevant registry ops of next steps

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- ❑ **Transfer Policy Changes Effective 1 June 2012**
- ❑ **Validation Challenges and Recommendations**

Summary of IRTP Changes

effective 1 June 2012

1. **Transfer Emergency Action Contact (TEAC) (new requirement & obligations)**
2. **Registrar of Record to send Form Of Authorization (FOA) to Registered Name Holder to confirm intent (optional → mandatory)**
3. **Add clarity to reason for denial #6 (express written objection from Transfer Contact and mandatory obligation to unlock)**
4. **Delete reason for denial #7 (domain in “lock” status)**

Impact on Registrars and ICANN

Changes	Registrars	ICANN
TEAC in RADAR	<p>Must have TEAC contact information in RADAR by 1 June 2012</p> <p>Must respond to Losing Registrar in 4 hours</p>	<p>Review RADAR info to assess compliance</p> <p>Receive non-compliance reports</p>
Registrar of Record (ROR) to send FOA	<p>Must send FOA to RNH from 1 June and per other existing IRTP requirements</p>	<p>Assess whether ROR sent an FOA to RNH</p> <p>May request copy of FOA from ROR when processing complaints</p>
Clarify Reason for denial #6	<p>Must obtain express and informed consent from Transfer Contact</p> <p>Must un-lock domain within 5 calendar days upon request</p>	<p>Assess whether Transfer Contact provided express and informed consent on an opt-in basis</p> <p>Assess whether registrar removed the lock or provided a reasonably accessible method for Transfer Contact to remove the lock within 5 calendar days</p>
Delete reason for denial #7	<p>No immediate impact</p>	<p>No immediate impact</p>

FY12 T2 Top 10 Registrars

Registrar	Country	# Tickets	Common Issues
1	China	454	Auth Code (ID /Transfer Fees)
2	China	234	Auth Code (ID/Transfer Fees)
3	China	134	Auth Code (ID/Transfer Fees)
4	China	98	Auth Code (ID/Transfer Fees)
5	USA	86	Reason for denial #6
6	China	68	Auth Code (ID/Transfer Fees)
7	China	65	Auth Code (ID/Transfer Fees)
8	India	58	Reseller
9	USA	55	Unauthorized Transfers
10	Denmark	20	Reseller

“Registrars must provide the Registered Name Holder with the unique "AuthInfo" code within five (5) calendar days of the Registered Name Holder's initial request...”

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Registrar Primary Contact

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ICANN's point of contact with registrar and where escalated compliance communications are directed

To change/update Primary Contact

Download and complete the primary contact update form

<http://www.icann.org/en/registrars/primary-contact-update-form-en.pdf>

and fax it to ICANN at +1-310-823-8649.

If you have any questions regarding your registrar's contact data, please contact registrar@icann.org.

Registration Agreement Records

Some registrars are not **maintaining Registration Agreement** records in compliance with the Section 3.4.2.2 of the RAA.

ICANN has observed that some registrars:

- are unable to produce any records clearly reflecting a registrant's agreement to the terms of a Registration Agreement
- produce a generic copy of their registration agreement as proof of a registrant's agreement to the terms of a Registration Agreement

Examples of Acceptable Proof of Compliance

Paper based:

- Maintain entire copy of Registration Agreement with registrant's signature affixed.

Electronic based:

- Maintain a time stamped record and IP Address or User ID evidencing when registrant clicked "Agree" concerning the Registration Agreement.
- Obtain and maintain electronic signature from registrant concerning the Registration Agreement.
- Reference the Registration Agreement and provide a link to it in the final message before finalizing the domain name registration transaction.

Common UDRP Complaints

About Registrar

Not proactively communicating decision implementation plans upon receiving a decision from the UDRP provider ordering registrar to transfer the domain name

Not responding to communications from prevailing complainants concerning implementing the decision

Not updating WHOIS fields to reflect new prevailing complainant prior to sending Auth Code to prevailing complainant

Prevailing Complainants

Improper or insufficient understanding of Inter Registrar Transfer Policy

Questions & Feedback

Please send your feedback to
Compliance@icann.org

Subject

[2012 NA Regional Stakeholder Meeting]

Additional Resources

- Inter-Registrar Transfer Information
<http://www.icann.org/en/resources/registrars/transfers>
- Amended transfer policy
<http://www.icann.org/en/general/consensus-policies.htm>
- Learn more about ICANN Compliance
<http://www.icann.org/en/resources/compliance>