

Amsterdam

Registry/Registrar Meeting



Contractual Compliance - Newcomers

2013 EU Regional Meeting

Thursday, 24 January 2013

Agenda

- ☐ Contractual Compliance Process and Activities
- ☐ Contractual Compliance Overview



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 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



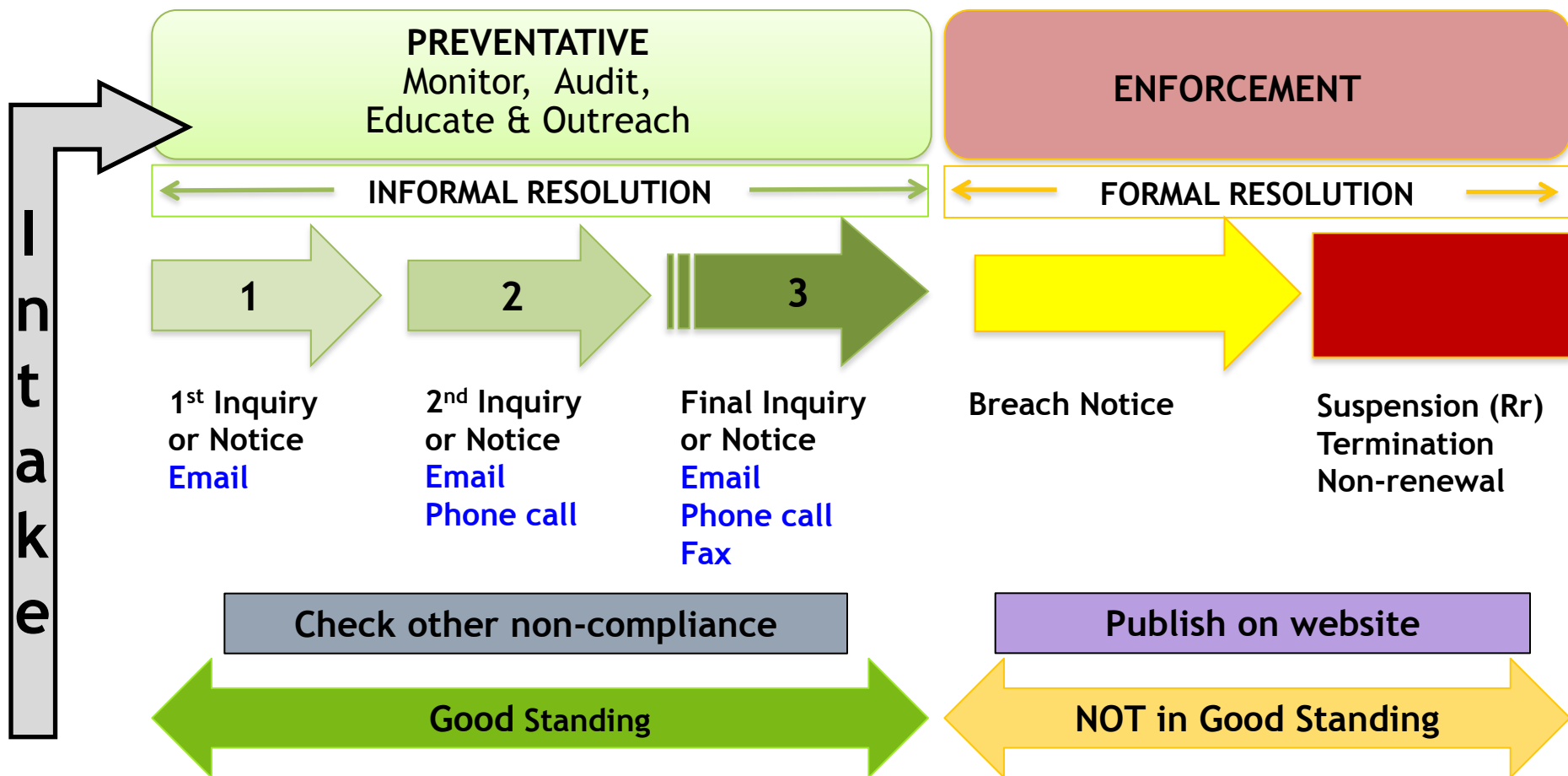
Contractual Compliance Team

- **Contractual Compliance reports to CEO**
- **7 languages:** Arabic, English, French, Hindi, Korean, Spanish and Urdu
- **13 Staff members strong**
 - Head of Compliance (1)
 - Registrar and Registry Compliance (10)
 - Risk and Audit Management (1)
 - Performance Measurement and Reporting (1)
- **3 Staff Augmentations** to support Audit, Complaint processing and Operations

Link to Contractual Compliance Staff -

<http://www.icann.org/en/resources/compliance/staff>

General Compliance Approach



Contractual Compliance Model and Approach

Culture of Compliance

1. Bottom-up
2. Multi-stakeholder

**FORMAL
RESOLUTION**

**INFORMAL
RESOLUTION**
Inquiries & Warnings

PREVENTATIVE ACTIVITIES
Monitoring Audits
Education & Outreach

SELF-Assessment
Industry Best Practice

Enforcement

Non-Renewal,
Suspension,
Termination

Breach

Prevention

Final Inquiry

2nd Inquiry

1st Inquiry

Process

Three-Year Plan

Strengthen program and operations (Core Operations)

Establish performance measures and improve reporting
(Transparency and Accountability)

2011

Assessment Phase

Stabilize operations
Assess people, processes and tools
Develop improvement plan
Begin implementation of plan

2012

Transformation Phase

Grow staff in number and expertise
Standardize operations
Plan and develop

- Systems enhancements/process
- Global metrics
- Audit strategy
- Annual Compliance Report

New gTLD readiness

2013

Future Phase

Continuous Improvement

- Operations
- Plan for internal audit

Consolidate Contractual Compliance Systems

Rollout Annual Audits

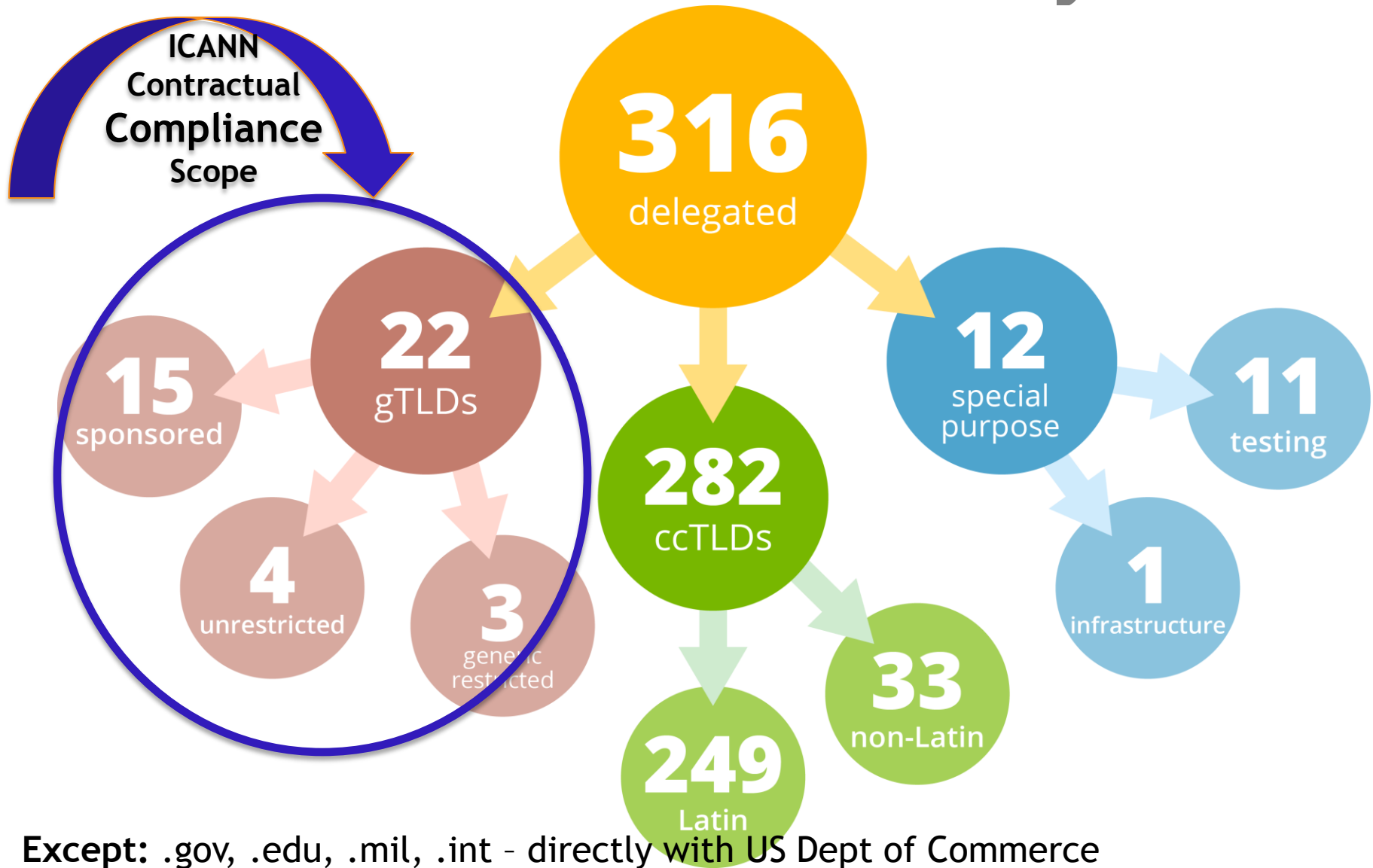
New gTLD readiness (cont.)

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- ❑ Contractual Compliance Overview



TLD Census as of January 2013

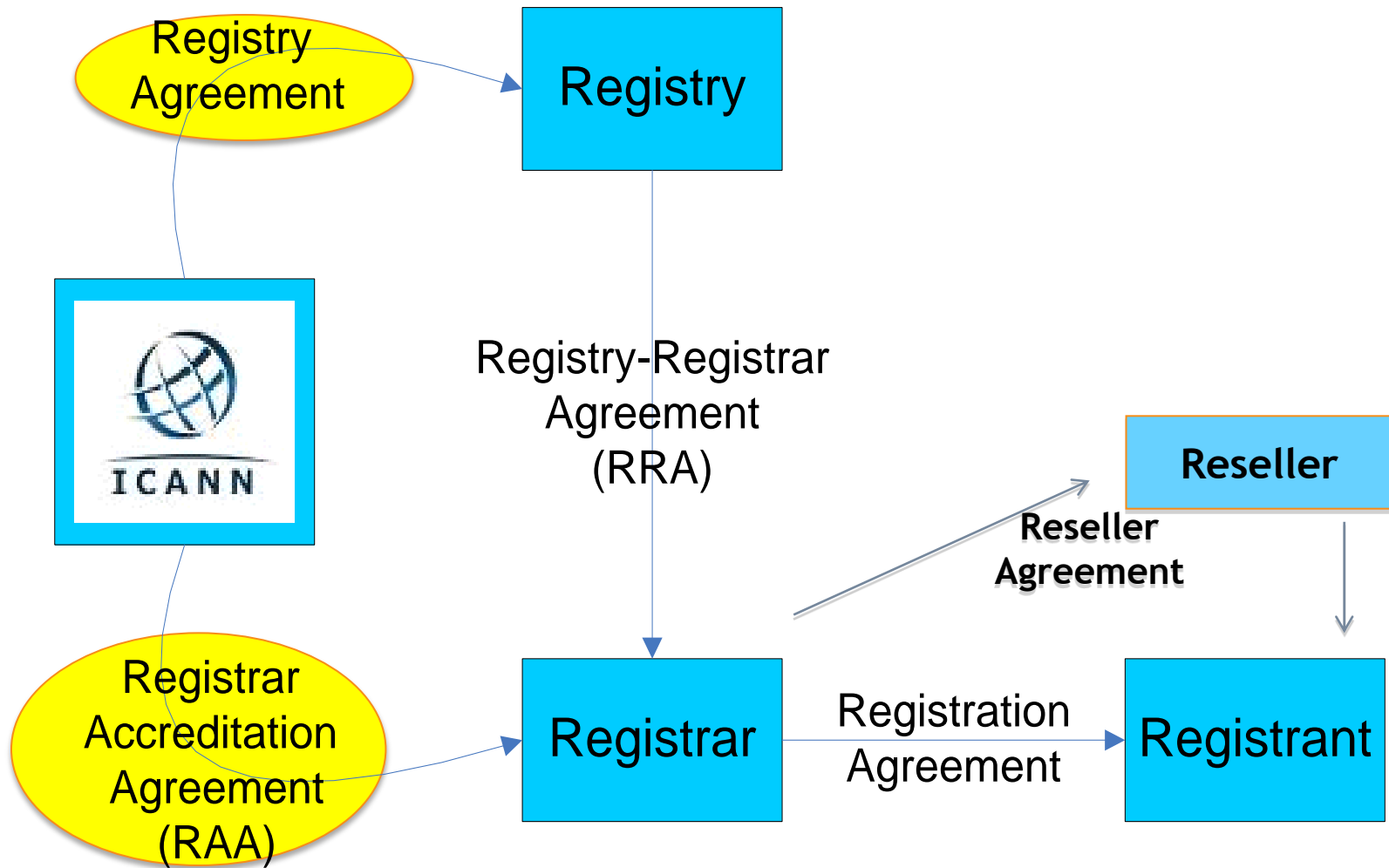


Except: .gov, .edu, .mil, .int - directly with US Dept of Commerce

Link: <http://www.iana.org/domains>



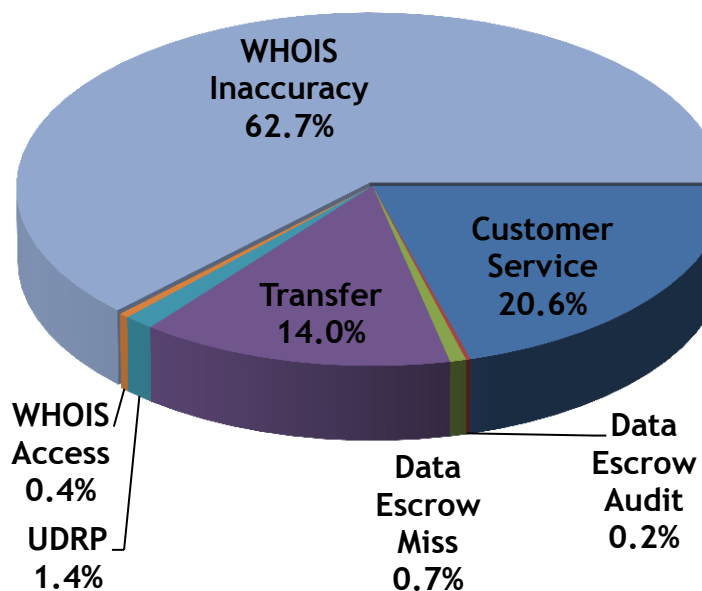
Contractual Relationship Overview



Compliance Performance Results

Jan-Dec 2012

Recap of Compliance - 2012



48,711 Complaints
24 Enforcement Actions

Jan - Dec 2012	All Complaints Received by Type	Quantity
Prevention Phase	Customer Service	10,055
	Data Escrow Audit	97
	Data Escrow Miss	351
	Transfer	6,799
	UDRP	658
	WHOIS Access	216
	WHOIS Inaccuracy	30,535
	Total Complaints	48,711
Enforcement Phase	Breach	20
	Suspension	1
	Terminated/ Non-Renewal	3

Registry Highlights

- Provide Registry Services (SLA)
- Comply with Consensus Policies
- Provide Whois service
- Escrow Registry Data
- Provide Bulk Zone File Access
- Provide Monthly Reports to ICANN
- Pay Registry-Level Fees to ICANN

Registrar Highlights

- Provide Registrar Services
- Comply with Consensus Policies
- Provide Whois access to public
- Escrow Whois data
- Enter registration agreements with registrants
- Investigate Whois Inaccuracy claims
- Flow-down certain registrar obligations to registrants and resellers
- Pay accreditation fees to ICANN



What & How

Whois Access and Accuracy

Access -

- All ICANN-accredited registrars are required to provide public access to contact details of the domain name holder (Web and Port 43)

Accuracy -

- All ICANN-accredited registrars are required to investigate claims that the data is inaccurate
- Registrars must provide the **correspondence with the registrant** - including dates and times and means of inquiries, telephone number, e-mail addresses, and postal addresses used

Inter-Registrar Transfer Policy (IRTP)

- All ICANN-accredited registrars are required follow the policy for domain name holders to transfer their names from one ICANN-accredited registrar to another
- **Why** - To promote competition and consumer choice
- **How** - Contractual Compliance investigates claims of non-compliance with the policy and ensures registrars take corrective actions

IRTP Part B Changes as of 1 June 2012

Changes	Registrars	ICANN
Transfer Emergency Action Contact in RADAR	Must have TEAC contact information in RADAR Must respond to Losing Registrar in 4 hours	Review RADAR info to assess compliance Receive non-compliance reports
Registrar of Record (ROR) to send Form Of Authorization	Must send FOA to RNH	Assess whether ROR sent an FOA to RNH May request copy of FOA from ROR when processing complaints
Clarify Reason for denial #6	Must obtain consent from Transfer Contact Must un-lock domain within 5 calendar days upon request	Assess whether Transfer Contact provided consent on an opt-in basis Assess whether registrar removed the lock or provided a reasonably accessible method for Transfer Contact to remove the lock within 5 calendar days

Expired Domain Deletion Policy (EDDP)

- All ICANN-accredited registrars are required to send at least 2 renewal reminders prior to the expiration of each domain name
- Publish their domain auto-renewal and deletion policy on their website
- Post fees charged for recovering domains in Redemption Grace Period

Registrar Data Escrow (RDE)

- All ICANN-accredited registrars, who manage names, are required to escrow registration data. The data is released to ICANN under limited circumstances.
- Compliance monitors RDE deposits
- Compliance monitors data audit reports from Iron Mountain and actively works with registrars to address problems and help them become compliant

Document Retention Obligations

Examples of records that registrars are required to maintain:

- Time stamped logs of the execution of the Registration Agreement (per domain), or paper copy with signature
- Communications through which the auth-code was sent to Registered Name Holder or its agent, as well as the form of authorization (FOA) used in the transfer process (per domain transferred)
- Renewal reminders sent prior to expiration of each domain name
- Records of online postings of auto-renewal and auto-deletion policy, and fees charged for recovering domains in Redemption Grace

Even with a reseller model, registrars are responsible for data and documents and providing them to ICANN.

Uniform Domain Name Dispute Resolution Policy (UDRP)

- **What** - provides an alternative dispute resolution to address “cybersquatting” problem
- **Why** - A cost effective alternative (to litigation through courts) for resolving disputes for the past 10 + years
- **How** - Contractual Compliance assists IP attorneys or affected parties and actively works with registrars to resolve non-compliance
- Registrars must provide the correspondence in which they 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

Web Posting Obligations

- Provide valid contact details on their website including valid e-mail and mailing addresses.
- Provide a link to ICANN's Registrant Rights and Responsibilities page
- Use only the ICANN-accredited registrar logo, not ICANN's corporate logo

Registrar Contact Data

Registrars must keep their contact information in ICANN's Registrar Database (RADAR) updated

Compliance's notices are sent to the registrar contacts as listed in RADAR. If the information is not updated, and this leads to a registrar not receiving/replying to Compliance notices, it can be breached

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



Thank You

Contact us at compliance@icann.org
Subject: EU Regional Meeting

ICANN Consensus Policies

1. Uniform Domain Name Dispute Resolution Policy

- A fast, cost effective mechanism to resolve cybersquatting claims
- Neither registrar nor ICANN are parties to proceedings
- ICANN's role is to ensure registrars implement UDRP decisions

2. WHOIS Data Reminder Policy

- Intended to improve WHOIS accuracy
- Registrars' obligation is to send an annual reminder to registrants

3. Inter-Registrar Transfer Policy

- To provide domain portability and better consumer choice

4. WHOIS Marketing Restriction Policy

- Registrars to provide third party bulk-access to WHOIS under an agreement and set maximum annual fees chargeable by registrars at \$10,000
- Prohibit use of WHOIS data for certain marketing purposes



ICANN Consensus Policies

5. Restored Names Accuracy Policy

- Requires registrars to place “Registrar Hold” status on a domain name until the registrant has provided updated and accurate Whois information under certain circumstances

6. Expired Domain Deletion Policy

- Requires registrars to delete domain names if registrants do not consent to renewal after 2nd renewal reminder, barring extenuating circumstances
- Requires registrars to post on their websites renewal fees and policy

7. Registry Services Evaluation Policy

- Process and criteria for evaluating new registry services proposed by a registry operator

8. Add Grace Period Limits Policy (AGP)

- Intended to curb domain tasting

Contractual Compliance Audit

Culture of Compliance

1. Bottom-up
2. Multi-stakeholder

**FORMAL
RESOLUTION**

**INFORMAL
RESOLUTION**
Inquiries & Warnings

PREVENTATIVE ACTIVITIES
Monitoring, Audits,
Education & Outreach

SELF-Assessment
Industry Best Practice

Audits are a valuable component of any organization's compliance function because they offer the opportunity to generally:

- (1) gain insight into performance weaknesses
- (2) develop effective and efficient mechanisms to ensure compliance and remediation efforts
- (3) enhance community transparency through fact based and measurable reporting

- Rollout in 2013
- Each Registry and Registrar agreement
- Random selection over a 3-year period

Additional Resources

- About ICANN Contractual Compliance:
<http://www.icann.org/en/compliance/>
- Whois Look Up: <http://www.internic.net/whois.html>
- Have a Problem? Dispute Resolution Options
<http://www.icann.org/en/dispute-resolution/>
- Report Inaccurate Whois Data, <http://wdprs.internic.net/>
- File a complaint about a registrar:
<http://reports.internic.net/cgi/registrars/problem-report.cgi>
- List of Approved Dispute Resolution Service Providers:
<http://www.icann.org/en/dndr/udrp/approved-providers.htm>