

# 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

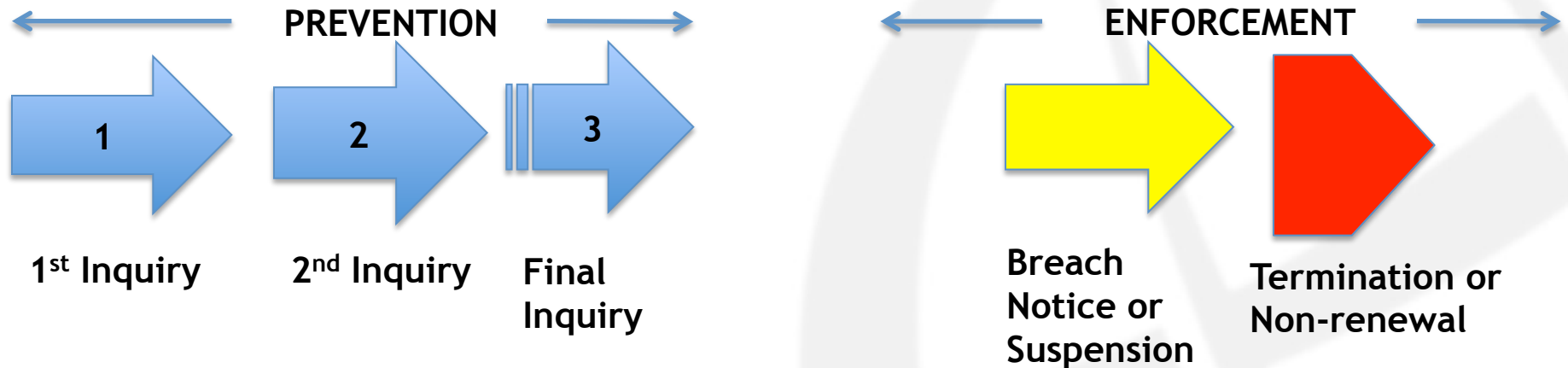
**INFORMAL RESOLUTION**  
Inquiries & Warnings  
Advice & Persuasion

**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 <sup>st</sup> 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

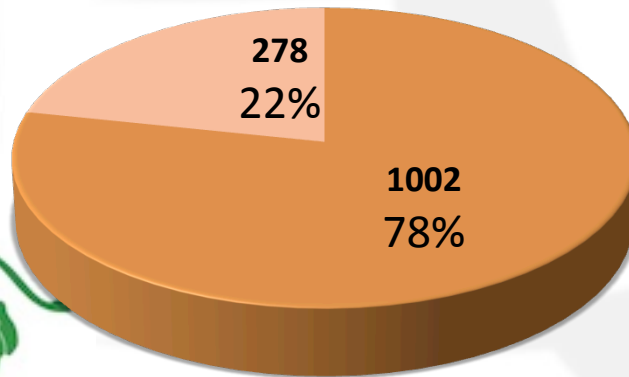


# WHOIS Activities

*Summary of Staff WDPRS Activity during the trimester.*

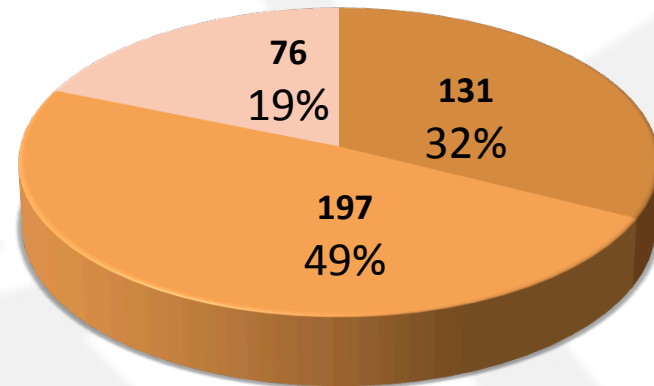
**1280 Reports Reviewed**

- 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/registrant claimed the data is correct, but upon review, data appears blatantly invalid



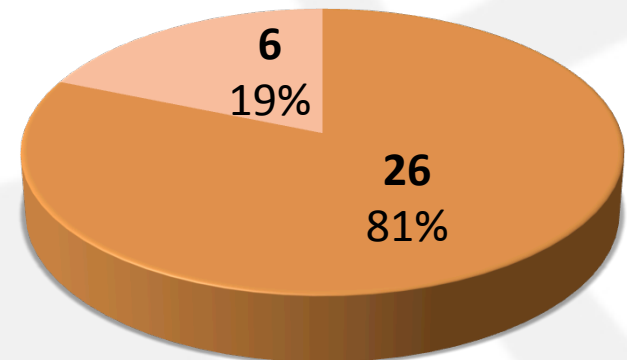
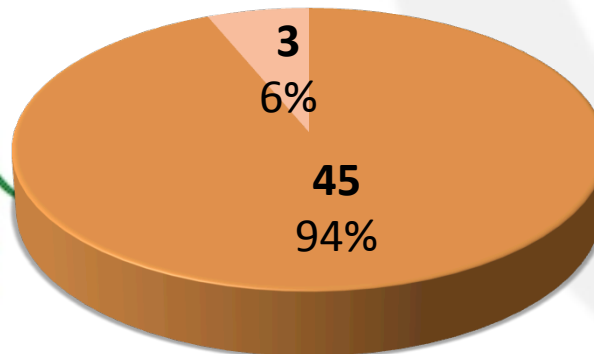
# PORT 43 Monitoring

**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

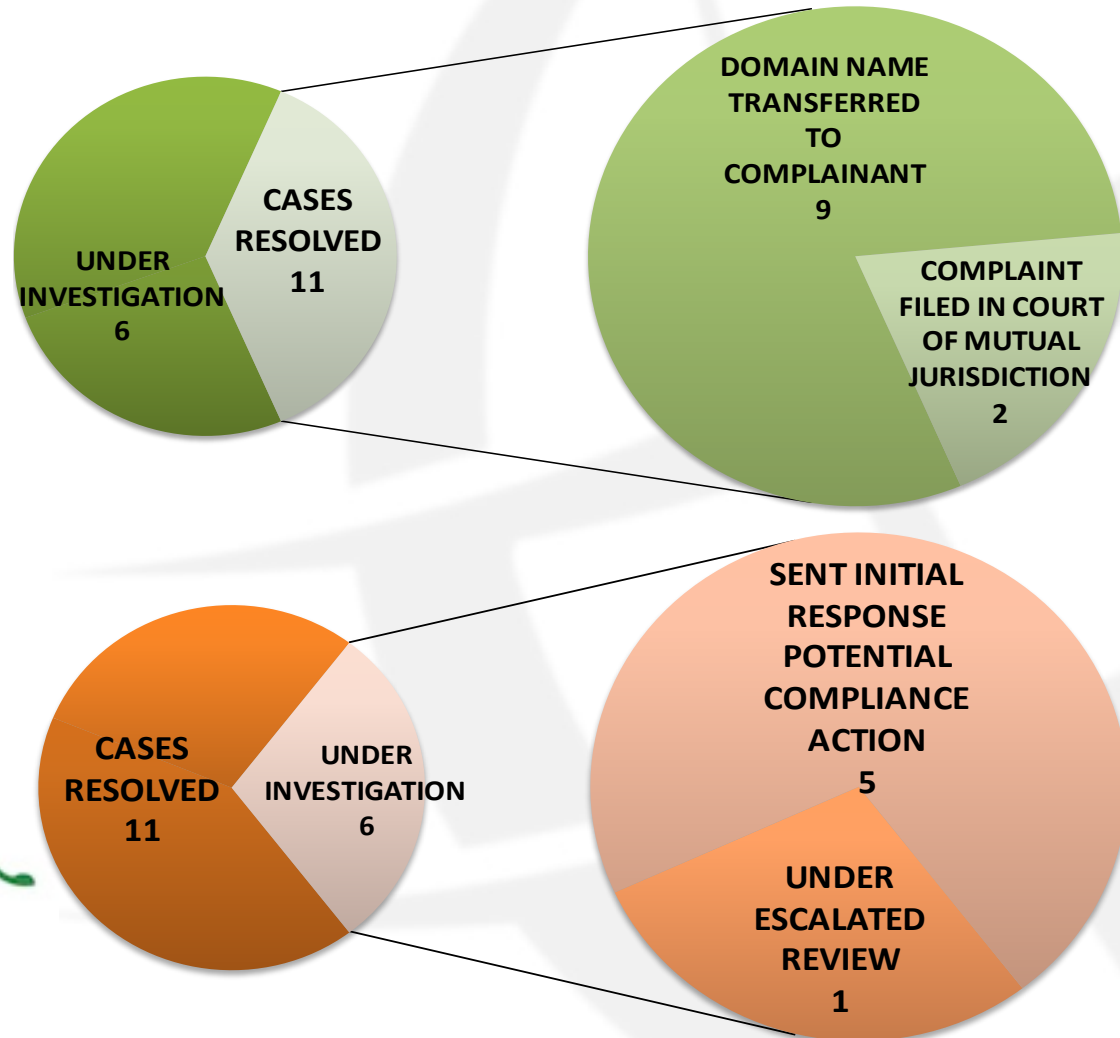
- INSTANCES RESOLVED AFTER INQUIRY
- INSTANCES REQUIRING ESCALATED COMPLIANCE ACTION



# UDRP Monitoring

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

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



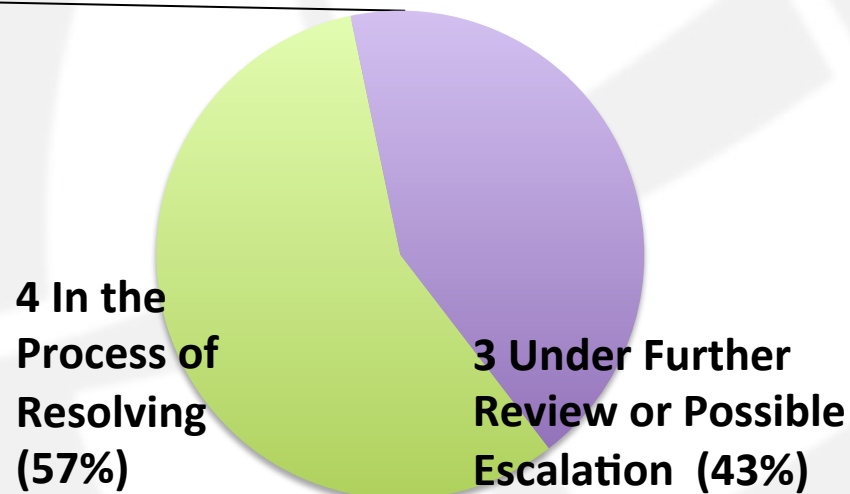
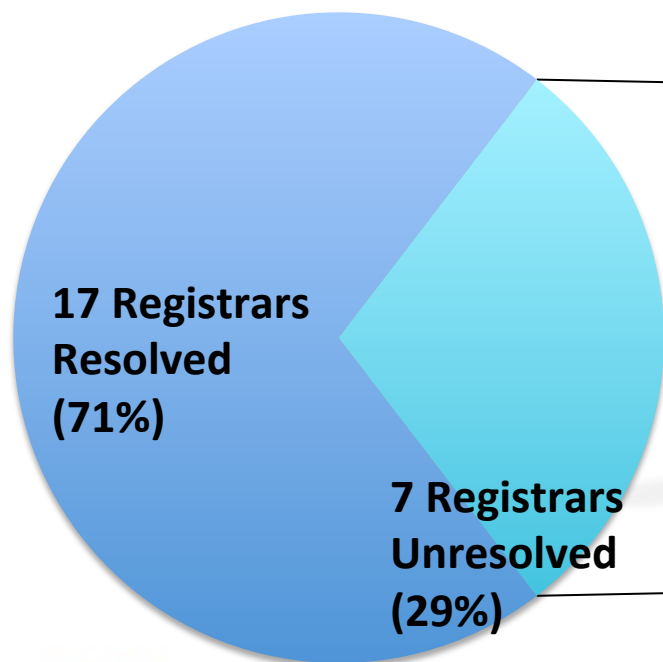
# Registrar Data Escrow (RDE)

- 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

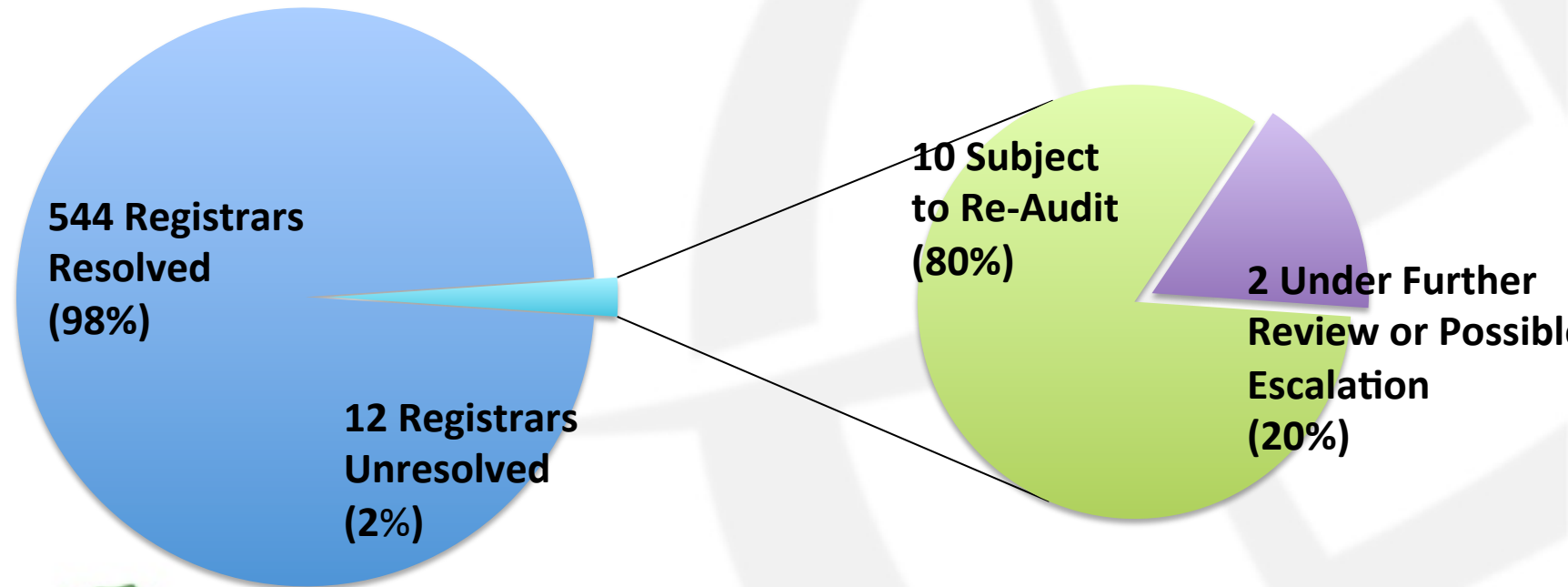


- 24 Registrars non-compliant.
- 17 Registrars resolved / 7 Resolving
- Main non-compliance issues are missed schedule deposits or not depositing full file, eg hash.txt file



# 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](mailto: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

