



Contractual Compliance

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Agenda

- Contractual Compliance Overview
- Contractual Relationship Overview
- Compliance Updates
- Major Initiatives

Contractual Compliance Overview

- November 2006 - Department established
- People - 8 Full Time Employees
 - 2 in Asia Pacific Region
 - 1 in Washington, D.C
 - 5 in Marina Del Rey
- FY 11 Budget
 - US\$3,399,000 (allocated)
- Contracts (Consensus Policies Incorporated)
 - 968 Registrar Accreditation Agreements (RAA)
 - 18 Registry Agreements



Contractual Compliance Responsibilities

- **To Prevent**
 - Educate, advise and visit
- **To Monitor**
 - Manage complaint systems
 - Conduct contract audits
- **To Investigate and Enforce**
 - Investigate claims of non-compliance
 - Pursue non-compliance
 - Take escalated compliance actions against non-compliant parties
- **To Communicate and Collaborate**
 - Meetings, website, emails, etc.

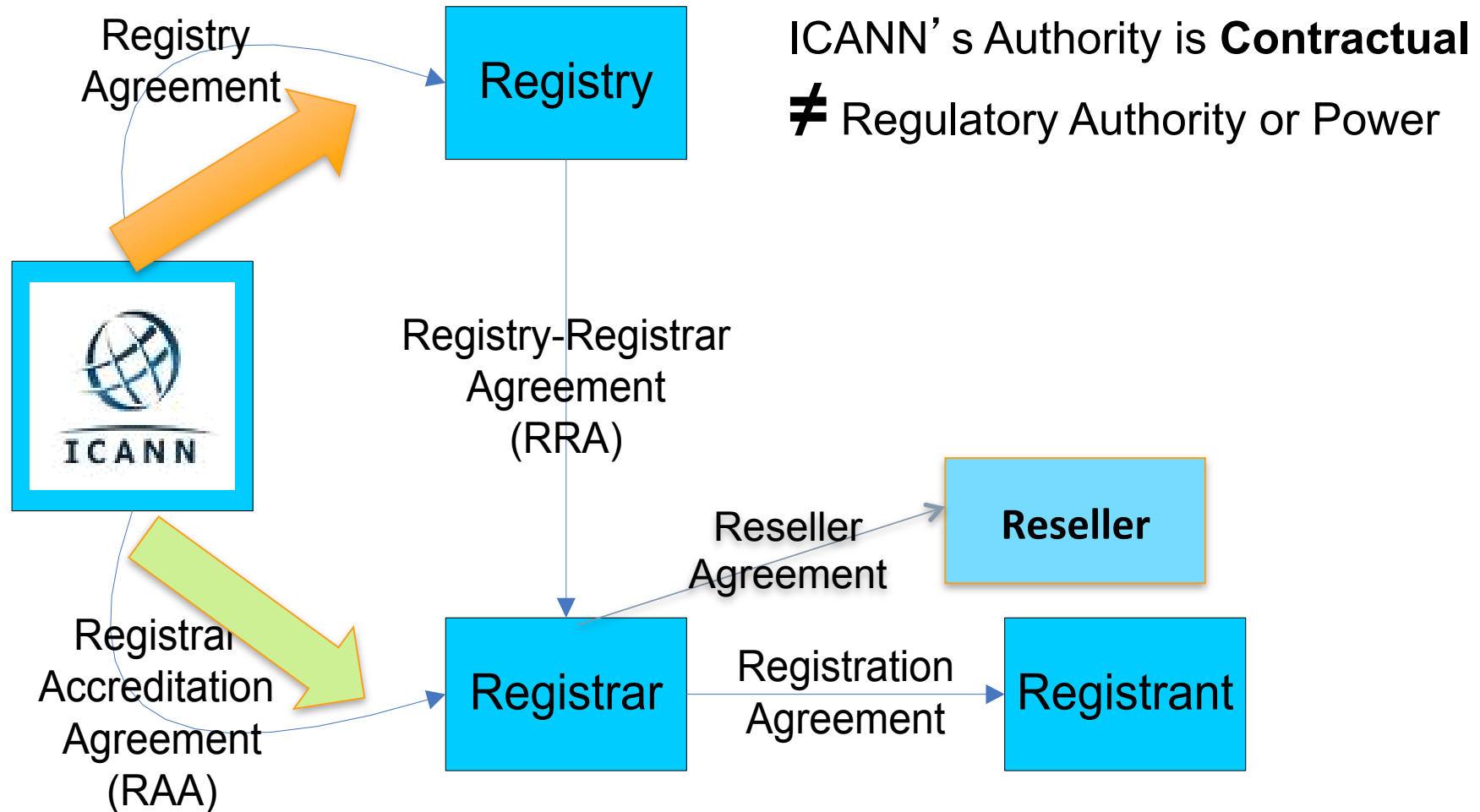
Agenda

✓ Contractual Compliance Overview

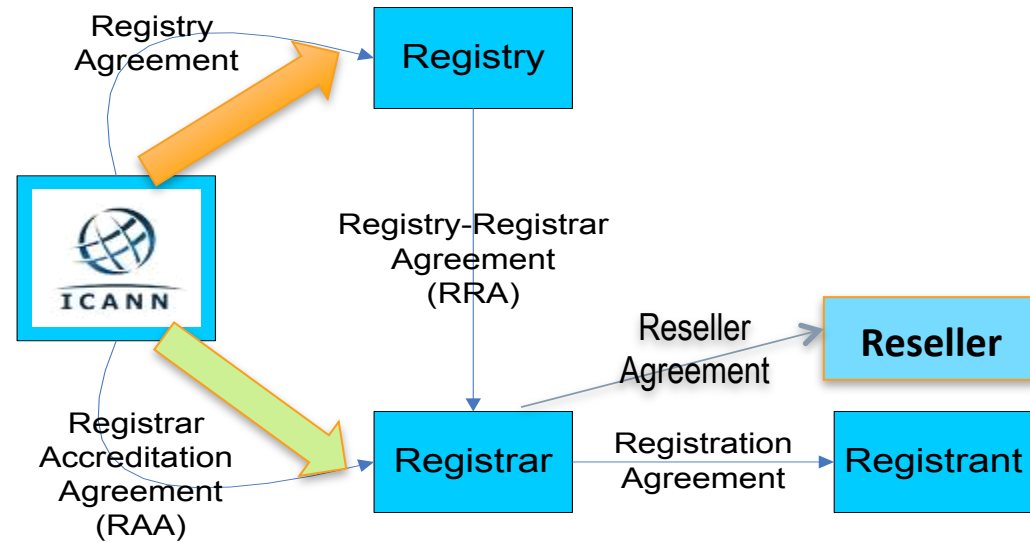
➤ Contractual Relationship Overview

- Compliance Updates
- Major Initiatives

Contractual Relationship Overview



Contractual Relationship Overview



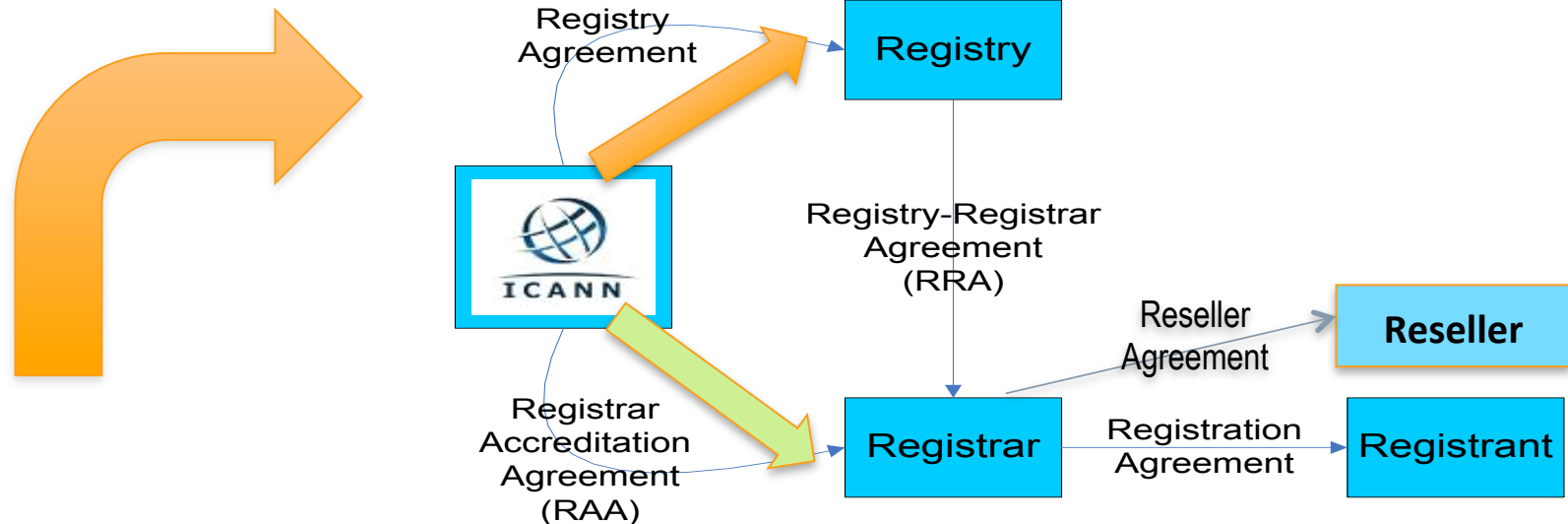
RAA

- ✓ Available in 8 languages
- ✓ Official version in English
- ✓ A plain English version

Policies

1. Uniform Domain Name Dispute Resolution Policy
2. Whois Data Reminder Policy
3. Inter-Registrar Transfer Policy
4. Whois Marketing Restriction Policy
5. Restored Names Accuracy Policy
6. Expired Domain Deletion Policy
7. Registry Services Evaluation Policy
8. AGP Limits Policy

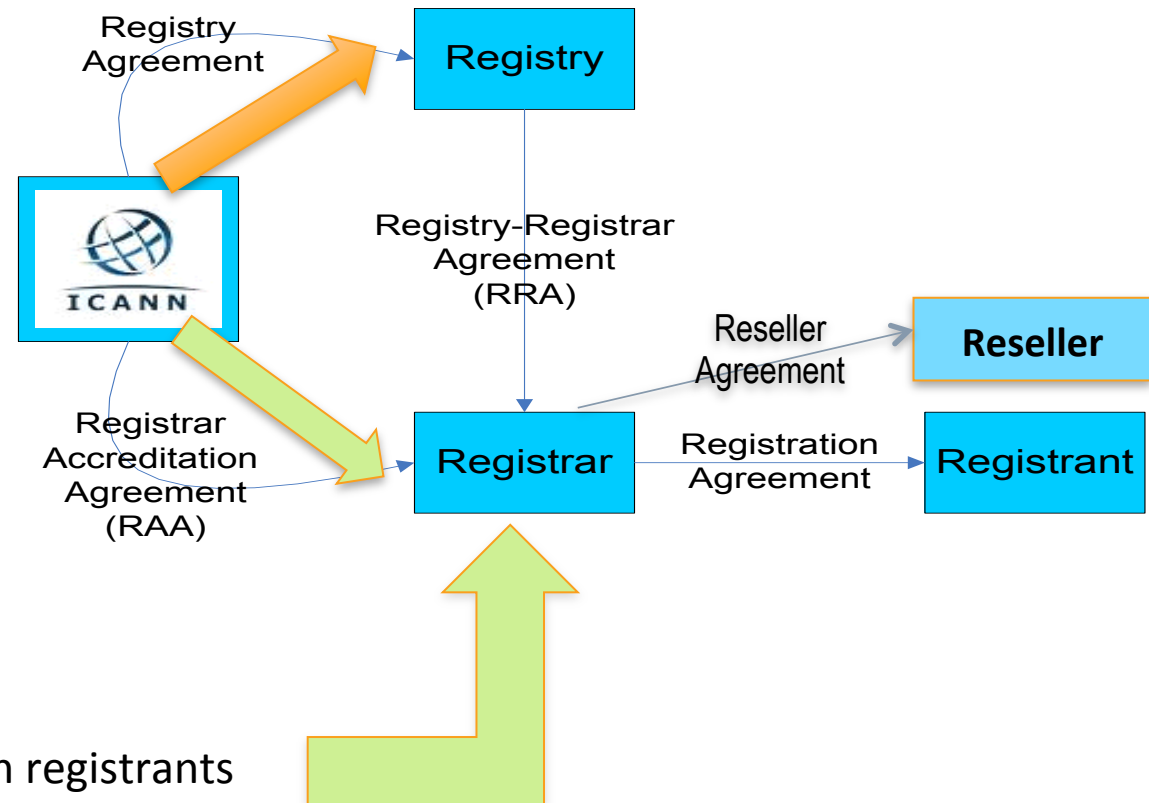
Contractual Relationship Overview



Registry Highlights

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

Contractual Relationship Overview



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

ICANN's Authority Under the RAA

- Inspect and copy registration data
- Conduct audits
- Issue notices of breach
- Suspend new registration or inbound transfers
- Terminate the RAA

Note: RAA currently consumes ~95% of compliance efforts.



ICANN's Limitations Under the RAA

- The RAA **does not** allow ICANN to:
 - address content
 - suspend domain names
 - transfer domain names
 - take over a registrar's operations
 - immediately terminate a registrar's contract (except under limited circumstances)
 - access a registrar's domain name database

Avoid Compliance Problems

- Prevention is the key
 - Know your contractual obligations
 - Train your people (customer services/compliance staff)
 - Educate your customers (registrants) & resellers
 - Respond to Compliance inquires/correspondence
 - Work with Compliance to resolve issues
- Cure breach in a timely manner

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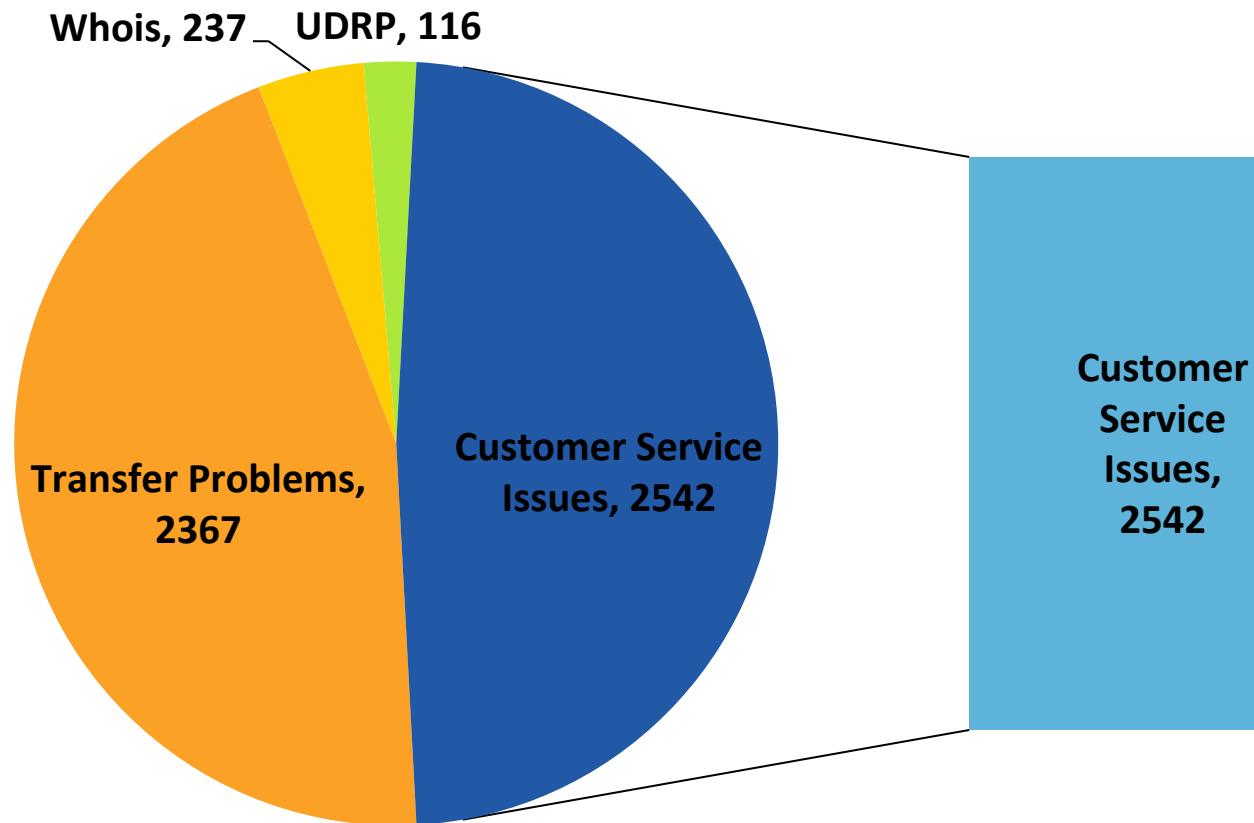
➤ Compliance Updates

- Consumer complaints
- Escalated compliance actions
- Audit findings
 - Port 43 WHOIS Audit
 - Inter Registrar Transfer Process (IRTP) Audit
 - Registrar Data Escrow (RDE) Monitoring

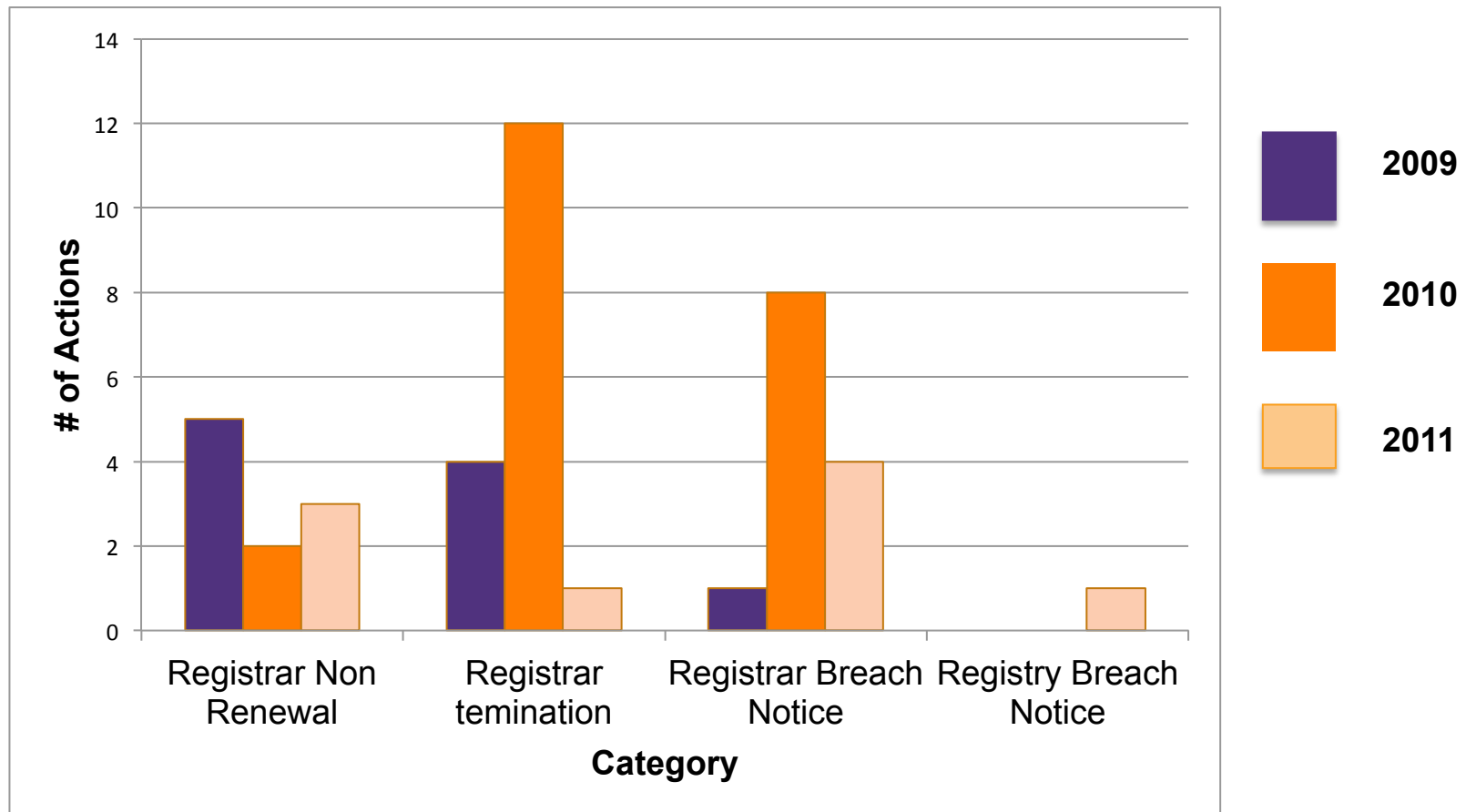
- Major Initiatives

5,262 Consumer Complaints

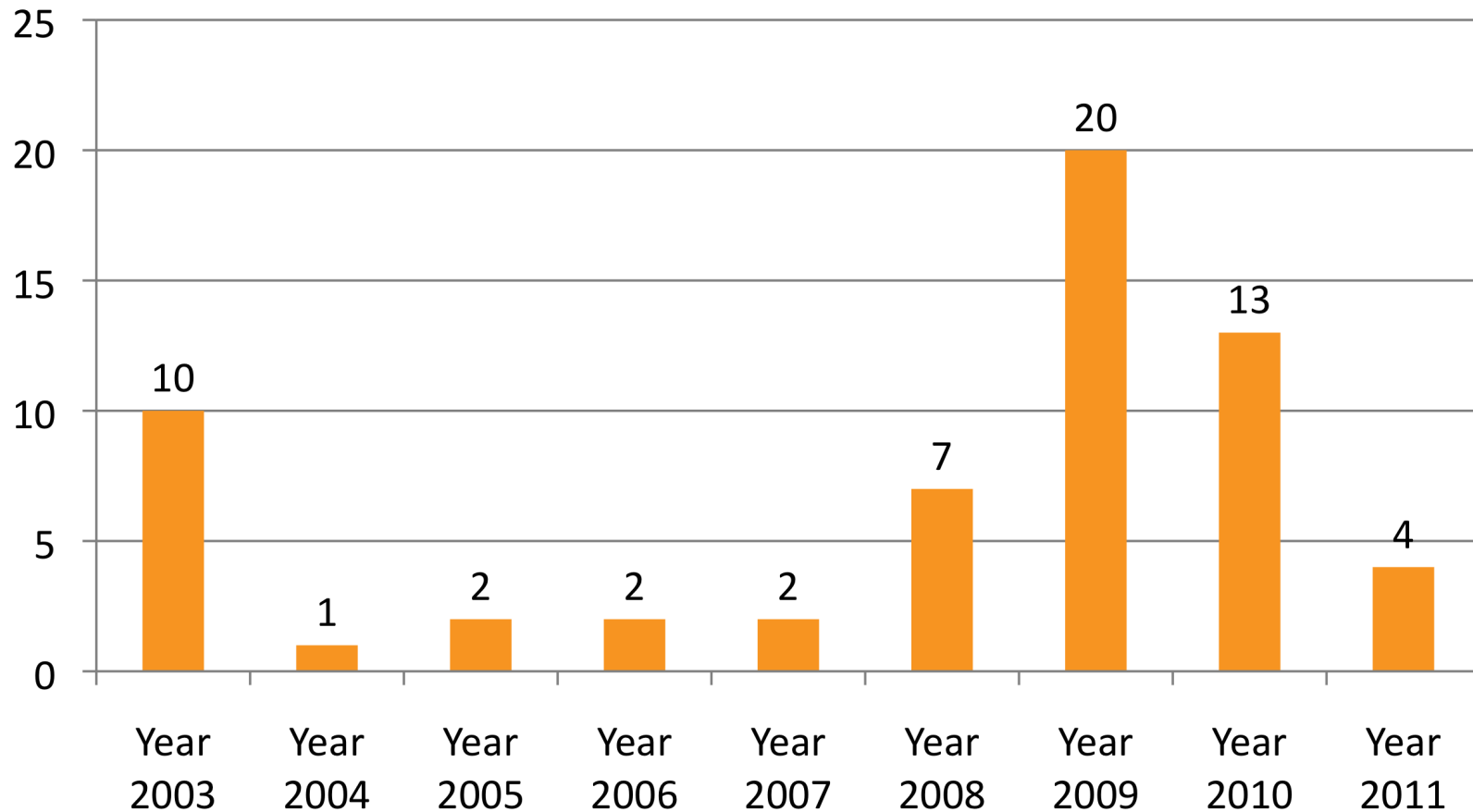
December 2010 – April 2011



Escalated Compliance Actions

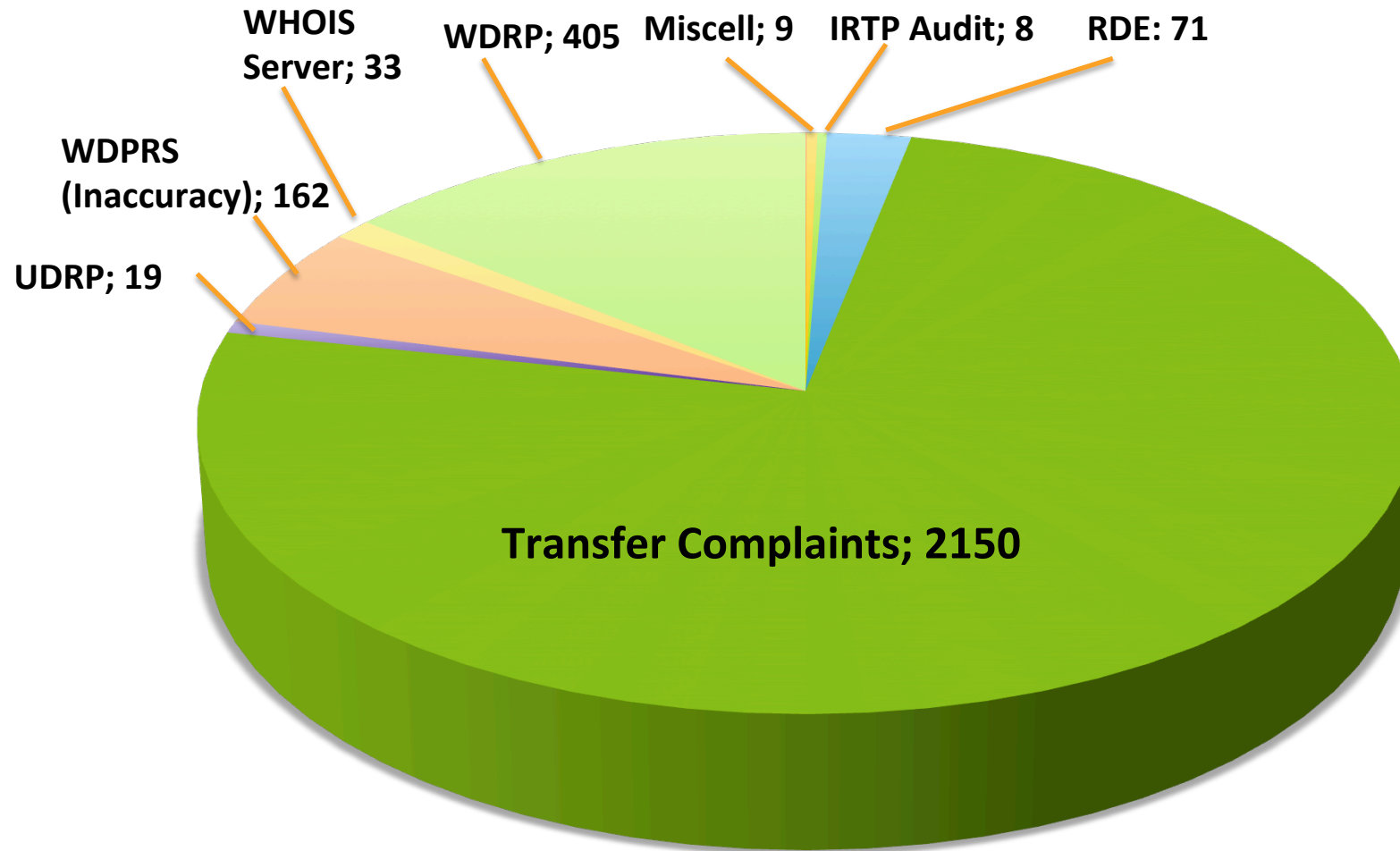


61 Registrars Non-Renewal or Terminations Since 2003

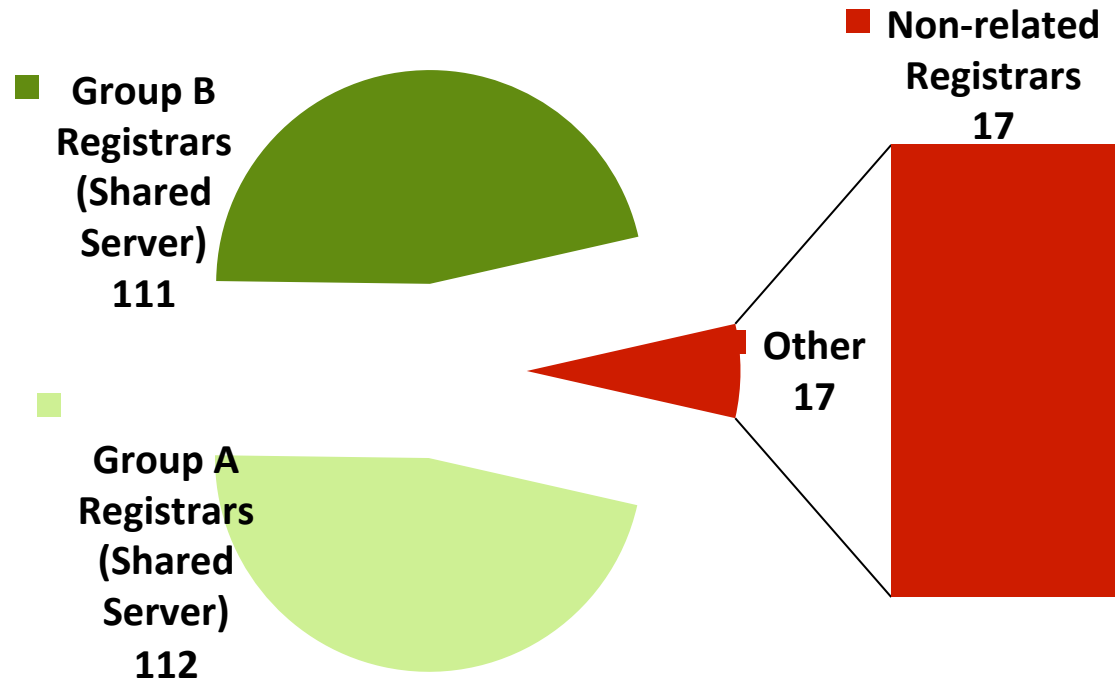


2,857 Compliance Notices

December 2010 – April 2011

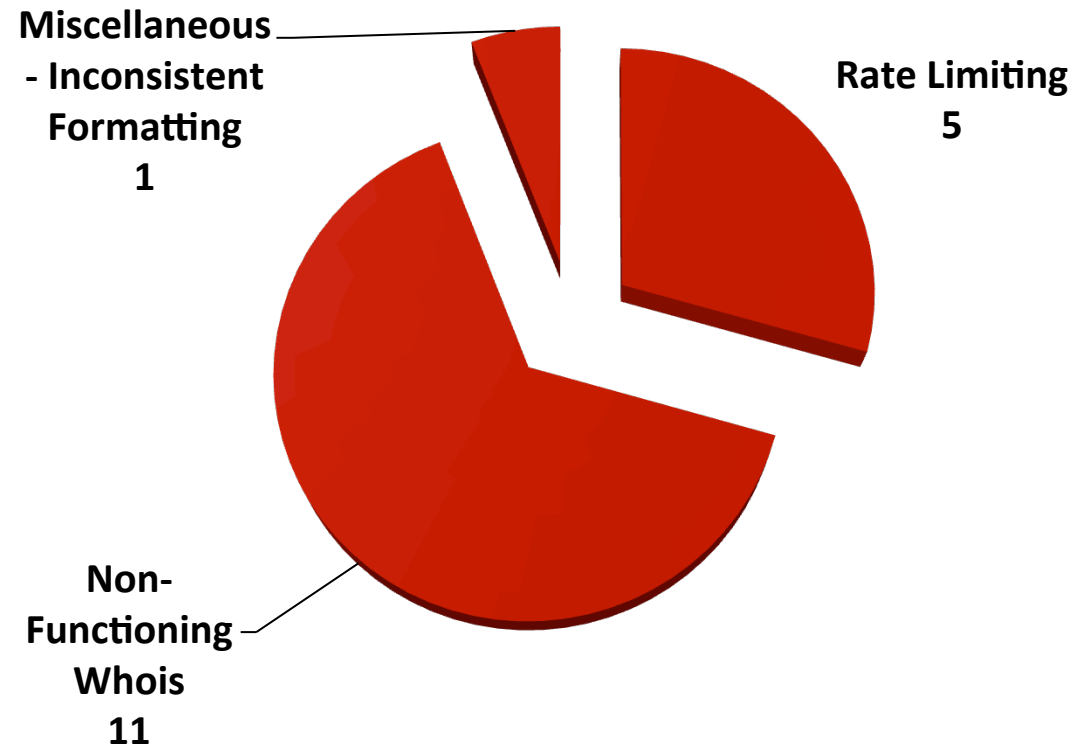


Port 43 Audit - Initial Findings:



- **Group A & B in compliance** - limited Whois queries as an abuse prevention mechanism.
- **17 with compliance issues**
- **Overall 99% compliance rate**

Port 43 Audit – cont.



Escalated Compliance Actions:

- 2 notices of breach
- 1 termination

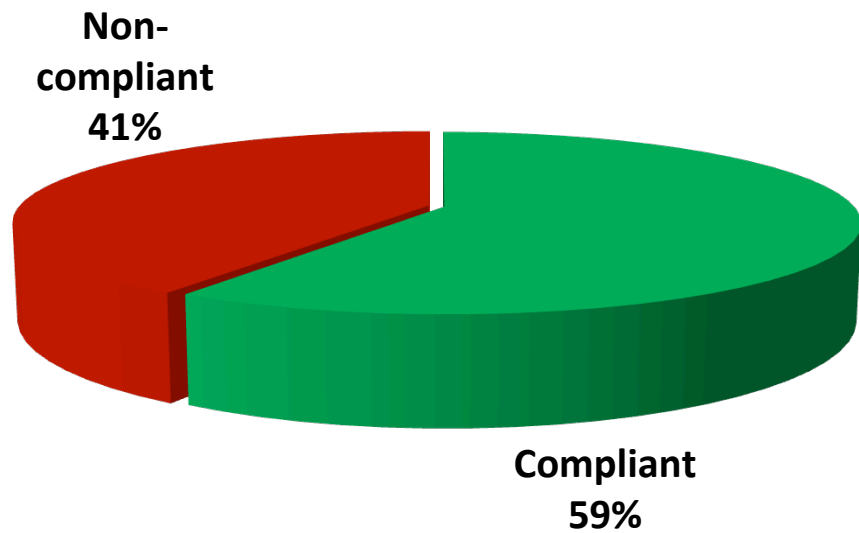
IRTP Audit Findings (Sept 2010)

| Group | Group Description | Number of Registrars Audited | Number of transfers/ complaints selected per registrar | Number of registrars deemed compliant | Number of registrars deemed non-compliant | Compliant registrars by % in the Group | Compliant registrars by % in the Group (May 2010 beta audit) |
|-------|----------------------|------------------------------|--|---------------------------------------|---|--|--|
| 1 | Losing | 6 | 10 or actual | 4 | 2 | 67% | 50% |
| 2 | Gaining | 5 | 10 or actual | 3 | 2 | 60% | 100% |
| 3 | Complaints by number | 3 | 5 | 1 | 2 | 33% | 50% |
| 4 | Complaints by ratio | 5 | 5 | 3 | 2 | 60% | 75% |

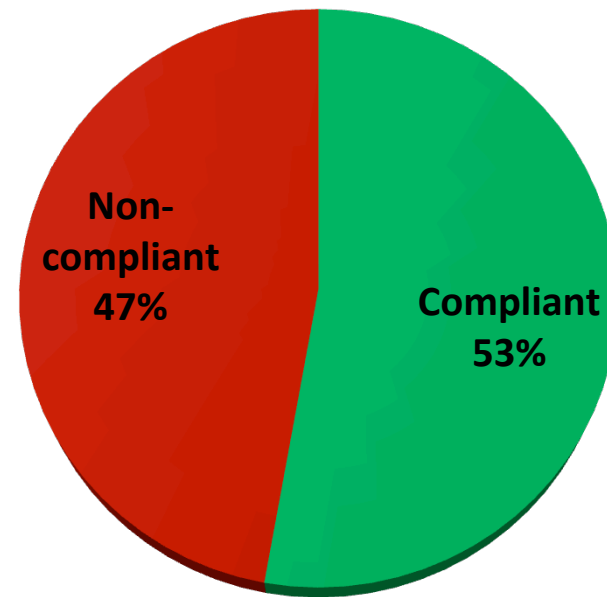
IRTP = Inter-Registrar Transfer Policy

IRTP Audit Findings – cont.

Compliance Rate



Transactions audited 85/127



Registrars audited 11/19

IRTP Audit Findings – cont.

Main Reasons for Non-Compliance

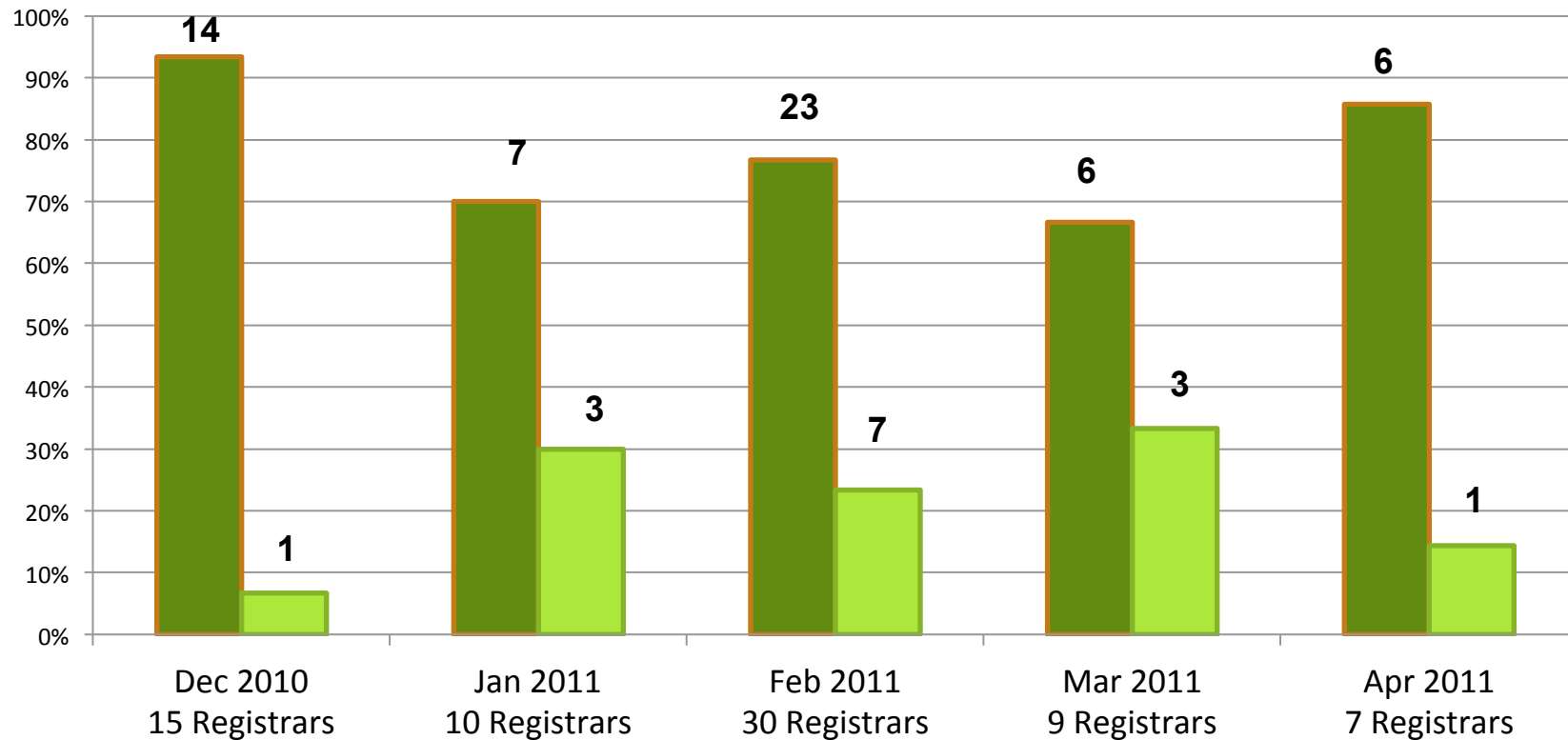
- 2 Wrongfully denying transfer requests
- 2 Initiating transfers without Standardized Form of Authorization (FOA)
- 3 Failure to provide Auth Code within five calendar days due to reseller issues
- 1 restrictive mechanisms for Registered Name Holder to obtain Auth Code

Note: one registrar remains non-compliant



RDE Monitoring

71 Notices December 2010–April 2011



Registrars resolved after 1st inquiry

Registrars resolved after 2nd inquiry

Note: 5 of 71 Registrars did not resolve after the 2nd inquiry / follow-up required.



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WHOIS Compliance Efforts

- Supporting Ongoing AOC WHOIS Review
- WDPRS Enhancements
 - automated message to reporter if the report is invalid
 - automated action message to registrar after 16 days
 - automated compliance notices to registrars that do not appear to have taken action
- WHOIS Data Reminder Policy Audit
 - 99% participation rate
 - 92% were compliant with WDRP notice form and content requirements

Major Initiatives

- Readiness Planning for New gTLDs
- Review Operational Effectiveness
- Develop a referral protocol with Law Enforcement Community (early stages)
- Improve Communications and Collaboration

Additional Resources

- Visit Compliance webpage:
<http://icann.org/en/compliance/>
- Contact us: firstname.lastname@icann.org
- FAQ: <http://icann.org/en/faq/>



Thank You