

IRTP Audit Plan

Introduction

Promoting competition, consumer trust, and consumer choice is one of the key ICANN commitments to the Internet community. To this end, the Inter-Registrar Transfer Policy <http://www.icann.org/en/transfers/policy-en.htm> ("IRTP") prescribes how Registered Name Holders must be able to transfer their domain name registrations between registrars.

ICANN's agreements with accredited registrars <http://www.icann.org/en/registrars/ra-agreement-21may09-en.htm> or <http://www.icann.org/en/registrars/ra-agreement-17may01.htm> ("RAA") and with gTLD registry operators require compliance with various specifically stated procedures and also with "consensus policies" and the IRTP is one of the policies adopted as consensus policies by the ICANN Board of Directors.

In 2010/2011, ICANN plans to test-register domain names with selected registrars and conduct a series of IRTP audits to assess the level of registrar compliance with the IRTP. This document outlines the audit procedures to determine and enforce registrar compliance with IRTP obligations.

Unless otherwise defined herein, all capitalized terms used in this document have the meanings given to them in the RAA, the IRTP or the Transfer Dispute Resolution Policy <http://www.icann.org/en/transfers/dispute-policy-12jul04.htm> ("TDRP").

When: Two rounds of formal audit to be carried out between July 2010 and June 2011.

Who: During a randomly selected audit month, ICANN will audit four groups of registrars:

1. **Registrars of Record (Losing Registrar)**: Transfer-losing-registrars with NACK rates exceeding 20%¹, calculated as follows:

$$\frac{\text{Total number of transfer-losing-NACKed}}{\text{Total number of transfer requests received by the transfer-losing-registrar}}$$

2. **Gaining Registrars**: Transfer-gaining-registrars with NACK rates exceeding 40%², calculated as follows:

$$\frac{\text{Total number of transfer-gaining-NACKed}}{\text{Total number of transfer initiated by the transfer-gaining-registrar}}$$

¹ These are transfer-losing-registrars that denied (NACKed) the transfer requests for .com domains but excluding those registrars that received 10 or less transfer requests in the given month. If the number of registrars in this category exceeds 10, only the top 10 registrars will be audited.

² These are transfer-gaining-registrars that initiated the transfer requests for .com domains but transfers were denied (NACKed) but excluding those registrars that initiated less than 10 or less transfer requests in the given month. If the number of registrars in this category exceeds 5, only the top 5 registrars will be audited.

3. **Complaint Related Registrars by number:** 5 registrars that score the highest number of transfer related complaints.
4. **Complaint Related Registrars by ratio:** 5 registrars (with domain portfolios exceeding the median portfolio size of the given month) that score the highest number of transfer related complaints by ratio, calculated as follows:

$$\frac{\text{Total number of complaints concerning the registrar}}{\text{Total number of domains sponsored by the registrar}}$$

Median portfolio size is calculated as follows:

$$\frac{\text{Total number of domains sponsored by registrars that are subjects of complaints}}{\text{Total number of registrars that are subjects of complaints}}$$

Data used for the purpose of identifying registrar groups 1 & 2 will be based on VeriSign's monthly transactional reports for the month that is two (2) months before the audit month and data used for the purpose of identifying registrar groups 3 & 4 will be based on ICANN C-Ticket system's monthly data for that same month.

Audits of registrar groups 1 & 2 will only be carried out if the lists of domains that were NACKed or gained by those registrars are available from VeriSign. In the event that those lists of domains are not available, ICANN will not proceed with these audits.

Beta-testing:

ICANN will conduct a beta test on the audit plan in May 2010. For the purpose of the beta testing, ICANN will identify:

- groups 1 & 2 registrars based on VeriSign's transactional report for the month of December 2009;
- groups 3 & 4 registrars based on data from ICANN's C-ticketing system for the month of March 2010.

The main purpose of the beta-test audit is to gain a better understanding of the actual transfer problems encountered by consumers and gauge the level of registrar compliance with the IRTP. As such, the findings of these beta-test audits are for information only and will not be used as the basis for enforcement action. In other words, ICANN will not take any compliance or enforcement action even if a registrar is deemed non-compliant with the IRTP or the RAA.

Audit notice to registrars:

- ICANN will, by email, fax and courier, notify the registrars who fall within one of the above four groups.
- In the audit notice, ICANN will specify:

- the domain names that will be subject to the audit (a maximum of 10, randomly selected from those .com domains that were NACKed or gained by the registrar) or relating to a C-Ticket complaint; and
- the documents/information the registrar must provide to ICANN in respect of each domain name, as set out below:

Registrar of Record (Losing Registrar)	Completed FOA, if applicable
	Copy of registrar's transfer policy, if applicable
	Copy of the Whois output for the date the transfer was initiated
	Relevant history of Whois modifications
	Basis for NACKing (as set out in paragraph 3 of the IRTP)
	Documentation to support the basis for the NACK
	Details of access and means for the Registered Name Holder to remove lock status and retrieve the "AuthInfo" code
	Copies of all communications made to the Gaining Registrar with regard to the applicable transfer request along with any responses from the Gaining Registrar, if the domain name was subject to a Registrar Transfer Dispute Resolution Process ("RTDRP") pursuant to the TDRP and such data was submitted as part of that RTDRP
Gaining Registrar	Completed FOA relating to the specific transfer request set out in the audit notice
	Copy of evidence of identity used to identify the authorized Transfer Contact
	Copy of registrar's transfer policy, if applicable
	Copy of the Whois output for the date when the specific transfer set out in the audit notice was initiated, which was used to identify the authorized Transfer Contacts
	Copies of all communications made to the Registrar of Record with regard to the applicable transfer request along with any responses from the Registrar of Record, if the domain name was subject to a RTDRP and such data was submitted as part of that RTDRP
Complaint Related Registrar	The above, as applicable to Registrar of Record or Gaining Registrar (as the case may be)
	Registrar's response to ICANN C-Ticket, if any
	Details and evidence of correspondence with the Transfer Contact to address the complaint as set out in the relevant ICANN C-Ticket
	Details of any mechanisms used for changing any aspect of the Registered Name Holder's contact or name server information
	Details such as when AuthInfo code was provided to the

	Registered Name Holder, when the domain was un-locked or when the domain was transferred and reasons for the delay, if any
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Providing information to ICANN:

- Within 15 days after receipt of the audit notice, the registrar shall provide to ICANN in electronic form:
 - the documents/information requested in the audit notice; and
 - and any other documents and information known by the registrar necessary to demonstrate compliance with the IRTP (including details of any Request for Enforcement and the findings pursuant to the TDRP).
- ICANN anticipates registrars' cooperation with this initiative. However, failure to provide the information sought by ICANN within the required timeframe may amount to a breach of sections 3.4.3 and/or 3.14 of the RAA (2009 version) and ICANN may take escalated compliance actions in accordance with the terms of the RAA.

Audit, audit results and consequences for non-compliance:

- ICANN will review the documents/information provided by the registrar to determine whether the registrar is in compliance with the IRTP.
- ICANN may request further information from the registrar or query the documents or information provided by the registrar, or in exceptional cases, request a site visit.
- A registrar is deemed compliant if each of its transfer transactions that were subject to the audit was considered in compliance with the IRTP and the RAA.
- Registrars who are deemed non-compliant will be issued compliance notices requiring them to develop corrective plans and implement such plans or breach notices in accordance with the terms of the RAA, as appropriate.
- Registrars may be liable for sanctions of up to five (5) times ICANN's enforcement costs (including costs of any site visit to a registrar's principal place of business), in the event of repeated willful material breaches of the IRTP in accordance with section 5.7 of the RAA.
- ICANN may publish the audit results on its website and in the semi-annual Contractual Compliance Report.