ICANN's RESPONSE TO INFORMATION REQUESTED BY
THE GNSO REGISTRATION ABUSE POLICY WORKING GROUP
(RAPWG)
8 JANUARY 2010

Q1. What are the ICANN compliance reports published in the last three years that discuss
WHOIS availability and accuracy reporting? I am aware of the following; are there any others?
* 2007 "ICANN's Whois Data Accuracy and Availability Program":
http://www.icann.org/en/whois/whois-data-accuracy-program-27apr07.pdf
* October 2007 Contractual Compliance Semi-Annual Report:
http://www.icann.org/en/compliance/reports/contractual-compliance-audit-report-
18oct07.pdf
* July 2008 Contractual Compliance Semi-Annual Report:
http://icann.org/en/compliance/reports/contractual-compliance-audit-report-29jul08-en.pdf
* February 2009 Contractual Compliance Semi-Annual Report:
http://icann.org/en/compliance/reports/contractual-compliance-report-27feb09-en.pdf

I have been unable to find the September 2009 Semi-Annual Report. Was one published this
autumn?

**RESPONSE: The above reports are all of the reports published in the last three years regarding
Whois availability and Whois accuracy. The 2009 Contractual Compliance Semi-Annual
Report will be published on or about 31 December 2009 and it will include statistics regarding
the WDPRS.**

Q2. ICANN has a system to monitor and enforce registrar compliance with port 43 Whois
service requirements; the 2007 report said it would include both automated WHOIS server
testing and manual reviews of registrar WHOIS output on a regular basis. Can you provide any
observations and data related to this monitoring, and is it described in any already-published
documents? Specifically, can you tell us how many registrars ICANN found were not providing
port 43 and/or Web WHOIS access? Has ICANN encountered notable downtimes or lapses of
registrar port 43 availability, or any other issues of note?

**RESPONSE: Section 3.3 of the RAA, "Public Access to Data on Registered Names" defines the
terms and conditions under which Registrars must provide a Port 43 and interactive web-
based Whois service available for public query. The timeframes mentioned in the RAA single
out the frequency in which Whois data fields must be updated (daily). The RAA, however, is
different from the registry operator agreements in that it doesn't specify any service level
agreement (or performance metrics) of the continued availability of the Whois service
provided by registrars.**

**ICANN has developed a Whois server audit tool which monitors access to registrars' Whois
servers over a Port 43 connection. The script developed for this task retrieves data for 4**

registered domain names for each accredited registrar. These domains are selected from the zone file which is obtained by ICANN periodically. The purpose of the audit is to flag Whois servers that are down for an amount of time that is suspect and probably not just a manifestation of periodic server maintenance or scheduled update. What is the "reasonable amount of time" for a server to be down? Probably no more than an hour or so per day, although these are ICANN internal, 'soft metrics', not agreed-upon timeframes with registrars. The script records the results and flags registrars that prevent access to data on registered names. Transient network problems are less of a concern, so ICANN focuses on long-term behavior, i.e., registrars which ICANN is unable to communicate with for several days in a row.

Once ICANN identifies the registrar(s), ICANN Compliance conducts Port 43 queries from alternate IP addresses to ensure that the communication error was not due to a problem with ICANN's server. If the problem is verified, ICANN reaches out to the registrar. The same occurs when ICANN obtains complaints from the community that experiences either trouble locating the interactive web-based search tool for Whois queries for a registrar or are unable to obtain any results from these queries. The RAA requires that registrars provide access to data on registered names but also recognizes that, in some instances, the data can later be used for the wrong purpose... This may be one of the reasons why registrars commonly block specific IP addresses from resolving queries on their Whois server and place them on a black list. There is no set definition on the number of queries that would be 'reasonable' before a specific IP address is blocked and potentially blacklisted. After reaching out to registrars to resolve access issues, they frequently create 'white lists' of IP addresses that are brought to their attention to allow them to access Whois data. ICANN Compliance regularly follows up with the complainant to see if the problem persists and, fortunately, this appears to be an effective (informal) mechanism to resolve these problems.

ICANN also reaches out to registrars that provide access to data on registered names but provide 'thin', not 'think', Whois data. The former does not provide details on the registered name holder and additional contacts, which is required by the RAA.

Aside from metrics on informal outreach to resolve blocked Whois servers and incomplete, or 'thin', Whois data with registrars, which have been more than two dozen in the past 6-8 months, Compliance could provide bi-weekly statistics to the WG from here on out on the number of registrars that showed a pattern of restricting access to their Whois server over a Port 43 connection. These statistics have not been published before.

Q3. ICANN operates the WDPRS (WHOIS Data Problem Reporting System, at http://wdprs.internic.net/. This system is ICANN's primary tool for assessing registrar compliance with the WHOIS inaccuracy investigation requirements.

   a. In the last 12 months (or in a convenient recent reporting period), how many inaccuracy reports did ICANN receive via WDPRS, and how many were confirmed by their submitters?

RESPONSE: ICANN received a total of 81,006 WDPRS reports. Of those reports, 52,572 were confirmed by their submitters.

    b.   Of those, how many unique domain names were subject to reports?

RESPONSE: In December 2008, the WDPRS was upgraded to prevent the submission of duplicate reports regarding the same WHOIS inaccuracy category for the same domain name. Accordingly, our data indicates that the 52,572 confirmed reports all concerned unique domain names.

    c.   What were the results /disposition of the cases?

    -   In how many cases was the WHOIS data updated by the registrars by the deadline?

RESPONSE: Before the 15 day reminder notices were sent to registrars, registrars updated the WHOIS data for 8,159 reports. After 45 days, reporters responded to ICANN's follow-up notices indicating that the Whois data was corrected for 1,096 reports and 9,713 domain names were deleted or suspended.

    -   In how many cases did the registrars delete or suspend the domains by the deadline?

RESPONSE: See response above.

    -   How many cases were there in which the contact data was invalid and the registrars failed to update, suspend, or delete domains?

RESPONSE: Section 3.7.8 of the RAA requires registrars to investigate Whois inaccuracy claims to determine if Whois contact data is valid. A report filed through the WDPRS is not clear proof of a Whois data field inaccuracy. After 45 days, reporters responded to ICANN's follow-up notices indicating that 10,008 domain names remained inaccurate. ICANN staff reviewed the Whois data for these domain names and determined that 5,610 domain names reported as remaining inaccurate were updated, deleted or suspended by the sponsoring registrar. This is evidence that the registrars in these cases took corrective action.

In an effort to improve registrar compliance with the Whois data investigation requirements in Section 3.7.8, ICANN sent compliance notices to the sponsoring registrars for 2,759 domain names. These compliance notices were sent to registrars that did not appear to take action concerning Whois inaccuracy reports where the domain name was reported as remaining inaccurate after 45 days. ICANN's efforts resulted in registrars either confirming the Whois data as accurate, updating the contact fields, deleting the domain name or suspending the domain name in 2,007 cases. There are 455 cases where the contact data appeared invalid and the registrar failed to update, suspend, delete or confirm the validity of the contact data.

Staff is pursuing these registrars with follow-up correspondence. If these registrars do not demonstrate compliance with Section 3.7.8, escalated compliance action will be taken.

ICANN is continuing its review of the Whois data for 1,936 domain names reported as inaccurate after 45 days.

Q4. In the last three years, how many notices of breach of the Registrar Accreditation Agreement has ICANN sent to registrars for failure to adhere to WHOIS-related obligations? (Including failure to provide Web-based or port 43 access, or related to WHOIS data inaccuracies.)

RESPONSE: ICANN sent eleven (11) escalated compliance notices (e.g. notices of breach, termination or non-renewal) to registrars for failure to comply with Whois provisions of the Registrar Accreditation Agreement. This information is published on the Contractual Compliance website at http://www.icann.org/en/compliance/. For your convenience, please see the links below for detailed information regarding the escalated compliance notices sent.

Notices of Breach, Termination and Non-Renewal
19 November 2009: ICANN Notice of Non-Renewal of RAA
<http://www.icann.org/correspondence/burnette-to-dicker-19nov09-en.pdf> (Domain Jingles, Inc.)
9 October 2009: ICANN Notice of Non-Renewal of RAA
<http://www.icann.org/correspondence/burnette-to-bahlitzanakis-09oct09-en.pdf> (BP Holdings Group, Inc. dba IS.COM)
8 October 2009: ICANN Sends Notice of Breach to Registrar
<http://www.icann.org/correspondence/burnette-to-bahlitzanakis-08oct09-en.pdf> (CodyCorp)
11 September 2009: ICANN Sends Notice of Termination to Registrar
<http://www.icann.org/correspondence/burnette-to-sundin-11sep09-en.pdf> (Red Register, Inc.)
30 July 2009: ICANN Notice of Non-Renewal of RAA
<http://www.icann.org/correspondence/burnette-to-friedman-30jul09-en.pdf> (South America Domains Ltd. dba namefrog.com)
9 April 2009: ICANN Sends Notice of Termination to Registrar
<http://www.icann.org/correspondence/burnette-to-valdes-09apr09-en.pdf> (Parava Networks, Inc. dba 10-Domains.com)
8 April 2009: ICANN Sends Notice of Termination to Registrar
<http://www.icann.org/correspondence/burnette-to-bordes-08apr09-en.pdf> (DropLimited.com, Inc.)
27 February 2009: ICANN Sends Notice of Breach to Registrar
<http://www.icann.org/correspondence/burnette-to-valdes-27feb09-en.pdf> (Parava Networks, Inc.)
4 February 2009: ICANN Sends Notice of Breach to Registrar

<http://www.icann.org/correspondence/burnette-to-bordes-04feb09-en.pdf>
 (DropLimited.com, Inc.)
30 September 2008: ICANN Sends Notice of Breach to Registrar
<http://www.icann.org/correspondence/burnette-to-hu-30sep08-en.pdf> (Beijing Innovative Linkage Technology)
30 September 2008: ICANN Sends Notice of Breach to Registrar
<http://www.icann.org/correspondence/burnette-to-legenhausen-30sep08-en.pdf> (CSL Computer Service Langenbach GmbH)