Contractual Compliance Update

Registrar Stakeholder Meeting

26 June 2012
Agenda

- Response to Submitted Questions
- Common Compliance Issues
- High Level Update
Q: What are the recent changes to the WHOIS complaint process?

- No recent changes.
- Change in October 2011: WDPRS sends the registrar a compliance notice if no response to the automated notice.
- Follow through is manually tracked via email.
Q: What are the retinal checks in place regarding the complaints?

- **Manual check is done after the 45-days notice.**
- **The system filters out duplicate complaints that have been submitted during the last 45 days.**

A duplicate complaint = the domain, complainant and the complaint categorization match with the prior complaint.
Q: How are repeat false complaints handled to stop them from continuing?

- Currently, there is no mechanism to filter “repeat false complaints”.
- Manual tracking of reported abuse and the names of reporters involved.
WHOIS Inaccuracy Ticketing

Current Approach
Work underway to align with the 1-2-3 phases

Single Submission WHOIS Data Problem Report System (WDPRS)

1. Intake
   - Remind Registrar of Obligation to Take Steps to Investigate

2. Automated
   - Request Registrar Confirm steps Taken by Clicking Link in E-mail

   - If necessary, Request Registrar Provide Proof of Steps Taken

4. Automated
   - If necessary, Request Registrar Provide Proof of Steps Taken

5. Manual
   - If necessary, Request Registrar Provide Proof of Steps Taken

Bulk Submission WDPRS in Beta

1. Automated

2. Automated
Single Submission WDPRS Process:

**Current**

1. Inquiry
2. Inquiry
3. Inquiry
4. Inquiry
5. Final Inquiry

**Proposed**

1. Notice
2. Notice
3. Notice
4. Notice
5. Final Inquiry

- **Currently** registrars are only required to show proof if they have not responded after 3 ICANN inquiries
- **Revised** - First notice will require registrars to provide proof of reasonable steps (including documentation)
## WDPRS Compliance Process

**Changes Coming Soon...**

<table>
<thead>
<tr>
<th>Notices</th>
<th>Sent to</th>
<th>Impact on Registrar</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Notice</td>
<td>WHOIS Contact</td>
<td>Registrars required to respond 15 business days from date of alleged WHOIS inaccuracy</td>
</tr>
<tr>
<td>2nd Notice</td>
<td>WHOIS Contact &amp; Primary Contact</td>
<td>Registrar will receive additional notification with 5 business days to respond.</td>
</tr>
<tr>
<td>3rd Notice</td>
<td>WHOIS Contact &amp; Primary Contact</td>
<td>Registrar will receive additional notification with 5 business days to respond.</td>
</tr>
</tbody>
</table>

Registrars are requested to provide ICANN with records of any correspondence with the registrant to demonstrate they took reasonable steps to investigate inaccuracy claims.
Agenda

- Response to Submitted Questions
- Common Compliance Issues
- High Level Update
Registrar Primary Contact

ICANN’s point of contact with registrar and where escalated compliance communications are directed

To change/update Primary Contact

If you have any questions regarding your registrar’s contact data, please contact registrar@icann.org.
Registration Agreement Records

Some registrars are not maintaining Registration Agreement records in compliance with the Section 3.4.2.2 of the RAA.

ICANN has observed that some registrars:

• are unable to produce any records clearly reflecting a registrant’s agreement to the terms of a Registration Agreement
• produce a generic copy of their registration agreement as proof of a registrant’s agreement to the terms of a Registration Agreement
Examples of Acceptable Proof of Compliance

Paper based:
- Maintain entire copy of Registration Agreement with registrant’s signature affixed.

Electronic based:
- Maintain a time stamped record and IP Address or User ID evidencing when registrant clicked “Agree” concerning the Registration Agreement.
- Obtain and maintain electronic signature from registrant concerning the Registration Agreement.
- Reference the Registration Agreement and provide a link to it in the final message before finalizing the domain name registration transaction.
Registrar Website Obligations

• Registrars accredited under the 2001 and 2009 RAAs that sponsor active names **must provide** an interactive web page to data on sponsored names. They can subcontract this obligation, but remain fully responsible for fulfilling the obligation.

• Registrars accredited under the 2009 RAA are **required to provide** valid contact details on their website including e-mail and mailing addresses.
Agenda

- Response to Submitted Questions
- Common Compliance Issues
- High Level Update
Compliance Plan Update
Short Term: March - August 2012

Enhance current ticketing applications
✓ Consumer Ticketing updated with notification cycle
  □ WHOIS ticketing software changes planned for July 2012 production release
  □ UDRP Process-Template changes implemented June 2012

✓ Document Management System Deployed & staff trained
✓ Business Intelligence & Reporting Tool Prototype built, under review for technical & business value

Define & implement a consolidated compliance system
✓ 3 feasibility studies conducted

Defined Compliance Audit Strategy and Approach
ICANN Referrals to Law Enforcement Agencies

- Referrals will be made on a case-by-case basis

- Criteria for referral if:
  - The matter has caused, and if not addressed or rectified, will likely continue to cause substantial harm to registrants or Internet users.
  - The matter is likely to be a violation of applicable laws or regulations.
  - The referral will not cause ICANN to violate the terms of the agreements it has with contracted parties or any applicable laws or regulations.
ICANN Referrals to Law Enforcement Agencies

DRAFT - Brainstorming Activity

**Flowchart:**
- **Reporter:**
  - Submit report
- **Compliance Prevention:**
  - Intake Systems
  - Audit results
  - Detect malicious activity
  - Contractual scope?
    - Yes: Initiate Compliance Process
    - No: Generate Referral Report
- **ICANN Internal:**
  - Consult/inform
- **Contracted Party:**
  - Inform?
- **LEA:**
  - Acknowledge/Next steps
  - Communicate/Update
  - End
ICANN Referrals to Law Enforcement Agencies
DRAFT - Brainstorming Activity

• Link to Form -
DRAFT FORM - ICANN Referral to Law Enforcement Agencies
Questions & Feedback

Please send your feedback to Compliance@icann.org

Subject
[ICANN44 Meeting]
Appendix
Three-Year Plan

Strengthen program and operations (Core Operations)
Establish performance measures and improve reporting
(Transparency and Accountability)

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

Transformation Phase
- Grow staff in number and expertise
- Standardize operations
- Plan and develop
  - Global metrics
  - Audit strategy
  - System enhancements/process
  - Annual Compliance Report
  - New gTLD readiness

Future Phase
- Continuous Improvement
- Consolidate Contractual Compliance Systems
- Rollout Annual Audits

2011
2012
2013
Contractual Compliance Dept

- 12 members currently
- Arabic, English, French, Hindi, Mandarin, Spanish, Urdu

Organization
- Head of Compliance (1)
- Registrar and Registry Compliance (9)
- Risk and Audit Management (1)
- Performance Measurement and Reporting (1)

- 1 new member in July 2012
- 2 open positions
“Preventative” Initiatives for Registrars
March - May 2012

✓ Validated registrars’ responses to WDRP audit
✓ Published 2012 port 43 Audit Report

✓ Outreach to top 10 registrars with most # of WHOIS complaints
✓ Outreach to top 10 registrars with most # of transfer complaints

✓ Validate and evaluate registrar self-assessment & responses

✓ Complete staff training on transfer policy changes
✓ Continue to standardize processes and templates
Outreach - Top 10 WHOIS & Transfer

16 (One hour long) conference calls with registrars to:
- Share ICANN’s analysis of complaints and findings
- Discuss registrar’s transfer/WHOIS practices and procedures
- Explore possible ways of addressing the common issues
- Share general Compliance approach

Trend from March - May 2012 (T refers to Trimester)
- WHOIS: 8 out of the 10 registrars’ monthly average complaints decreased
- Transfer:
  - No reduction in complaints against registrars in China
  - 3 non-AP registrars in T2 have all dropped out of top 10 list
  - 9 out of top 10 T3 list are in Asia Pacific
  - 7 out of top 10 T3 list are in China
# UDRP Compliance Process Changes

Implemented on 20 June 2012

<table>
<thead>
<tr>
<th>Notices</th>
<th>Sent to</th>
<th>Impact on Registrar</th>
</tr>
</thead>
<tbody>
<tr>
<td>1&lt;sup&gt;st&lt;/sup&gt; Notice</td>
<td>UDRP Contact</td>
<td>Registrars required to respond 5 business days from date of UDRP inquiry shortened from 10 business days</td>
</tr>
<tr>
<td>2&lt;sup&gt;nd&lt;/sup&gt; Notice</td>
<td>UDRP Contact &amp; Primary Contact</td>
<td>Registrars will receive additional notification with 5 business days to respond.</td>
</tr>
<tr>
<td>3&lt;sup&gt;rd&lt;/sup&gt; Notice</td>
<td>UDRP Contact &amp; Primary Contact</td>
<td>Registrar will receive additional notification with 5 business days to respond.</td>
</tr>
</tbody>
</table>

Registrars are requested to provide ICANN with records of communications/correspondence with the Provider, the Parties (Complainant & Respondent) and ICANN to demonstrate compliance with UDRP and UDRP Rules.
Summary of IRTP Changes
effective 1 June 2012

1. Transfer Emergency Action Contact (TEAC) (new requirement & obligations)

2. Registrar of Record to send Form Of Authorization (FOA) to Registered Name Holder to confirm intent (optional → mandatory)

3. Add clarity to reason for denial #6 (express written objection from Transfer Contact and mandatory obligation to unlock)

4. Delete reason for denial #7 (domain in “lock” status)
## Transfer Impact on Registrars & ICANN

<table>
<thead>
<tr>
<th>Changes</th>
<th>Registrars</th>
<th>ICANN</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TEAC in RADAR</strong></td>
<td>Must have TEAC contact information in RADAR by 1 June 2012</td>
<td>Review RADAR info to assess compliance</td>
</tr>
<tr>
<td></td>
<td>Must respond to Losing Registrar in 4 hours</td>
<td>Receive non-compliance reports</td>
</tr>
<tr>
<td><strong>Registrar of Record (ROR) to send FOA</strong></td>
<td>Must send FOA to RNH from 1 June and per other existing IRTP requirements</td>
<td>Assess whether ROR sent an FOA to RNH</td>
</tr>
<tr>
<td></td>
<td></td>
<td>May request copy of FOA from ROR when processing complaints</td>
</tr>
<tr>
<td><strong>Clarify Reason for denial #6</strong></td>
<td>Must obtain express and informed consent from Transfer Contact</td>
<td>Assess whether Transfer Contact provided express and informed consent on an opt-in basis</td>
</tr>
<tr>
<td></td>
<td>Must un-lock domain within 5 calendar days upon request</td>
<td>Assess whether registrar removed the lock or provided a reasonably accessible method for Transfer Contact to remove the lock within 5 calendar days</td>
</tr>
<tr>
<td><strong>Delete reason for denial #7</strong></td>
<td>No immediate impact</td>
<td>No immediate impact</td>
</tr>
</tbody>
</table>
General Approach & Turn Around-Time

**Turn Around Time in Business days**

- **5 general**
- **15 WDPRS**
- **5**
- **5**
- **15**
- **case by case**
### Complaints per Domain Volume

**March - May 2012**

<table>
<thead>
<tr>
<th>Region</th>
<th>Feb 2012 Domain Volume/Million</th>
<th># Complaints</th>
<th>% Complaints per Domain Volume</th>
<th># registrars per region</th>
<th>% Unique registrars with complaints per region</th>
</tr>
</thead>
<tbody>
<tr>
<td>Africa</td>
<td>1,384</td>
<td>0</td>
<td>0%</td>
<td>5</td>
<td>0%</td>
</tr>
<tr>
<td>Americas</td>
<td>98.8M</td>
<td>6,498</td>
<td>.007%</td>
<td>697</td>
<td>19.7%</td>
</tr>
<tr>
<td>Europe</td>
<td>21.2M</td>
<td>1,596</td>
<td>.008%</td>
<td>141</td>
<td>47.5%</td>
</tr>
<tr>
<td>Asia</td>
<td>14.3M</td>
<td>3,067</td>
<td>.021%</td>
<td>161</td>
<td>37.9%</td>
</tr>
<tr>
<td>Australia</td>
<td>6.4M</td>
<td>130</td>
<td>.002%</td>
<td>18</td>
<td>61.1%</td>
</tr>
</tbody>
</table>

**LEGEND**

- Feb 2012 Domain Volume/Million
- # Complaints
- % Complaints per Domain Volume
- # registrars per region
- # registrar w/ Complaints
- % Unique registrars with complaints per region
## Registrar Complaint Ratios

**March - May 2012**

<table>
<thead>
<tr>
<th>Regions</th>
<th>% Complaints per Domain Volume</th>
<th>% Registrars with Complaints</th>
</tr>
</thead>
<tbody>
<tr>
<td>Africa</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Americas</td>
<td>0.007%</td>
<td>19.7%</td>
</tr>
<tr>
<td>Asia</td>
<td>0.021%</td>
<td>37.9%</td>
</tr>
<tr>
<td>Europe</td>
<td>0.008%</td>
<td>47.5%</td>
</tr>
<tr>
<td>Australia</td>
<td>0.002%</td>
<td>61.1%</td>
</tr>
</tbody>
</table>
## Complaint Types and Phases

**March - May 2012**

**15,292 Complaints**

<table>
<thead>
<tr>
<th>Prevention phase</th>
<th>All Complaints Received by Type</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Customer Service</td>
<td>2,627</td>
<td></td>
</tr>
<tr>
<td>Data Escrow Audit</td>
<td>44</td>
<td></td>
</tr>
<tr>
<td>Data Escrow Miss</td>
<td>171</td>
<td></td>
</tr>
<tr>
<td>Transfer</td>
<td>2,463</td>
<td></td>
</tr>
<tr>
<td>UDRP</td>
<td>197</td>
<td></td>
</tr>
<tr>
<td>WHOIS Access</td>
<td>61</td>
<td></td>
</tr>
<tr>
<td>WHOIS Inaccuracy</td>
<td>9,728</td>
<td></td>
</tr>
<tr>
<td>Law Enforcement</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td><strong>Total Complaints</strong></td>
<td><strong>15,292</strong></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Enforcement Phase</th>
<th>Breach</th>
<th>Suspension</th>
<th>Terminated/Non-Renewal</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>7</td>
<td>0</td>
<td>1</td>
</tr>
</tbody>
</table>

- WHOIS Access: 0.4%
- UDRP: 1.3%
- Transfer: 16.6%
- Data Escrow Miss: 1.1%
- Data Escrow Audit: 0.3%
- Customer Service: 17.1%
- WHOIS Inaccuracy: 63.2%
Informal Resolution Phase

March - May 2012 data

- % of Complaints sent in each phase
- Based on the 1-2-3 compliance approach
- Complaint Notices tracked manually past trimester

<table>
<thead>
<tr>
<th>Complaint Type</th>
<th>Notification Phase %</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1&lt;sup&gt;st&lt;/sup&gt;</td>
</tr>
<tr>
<td>Customer Service</td>
<td>N/A</td>
</tr>
<tr>
<td>Data Escrow Audit</td>
<td>77%</td>
</tr>
<tr>
<td>Data Escrow Miss</td>
<td>91%</td>
</tr>
<tr>
<td>Transfer</td>
<td>78%</td>
</tr>
<tr>
<td>UDRP</td>
<td>60%</td>
</tr>
<tr>
<td>WHOIS Access</td>
<td>81%</td>
</tr>
<tr>
<td>WHOIS Inaccuracy</td>
<td>62%</td>
</tr>
</tbody>
</table>

N/A = Not Available
WHOIS Inaccuracy Complaints by Region
March - May 2012

64% Americas
13% Europe
15% Asia
0% Africa
1% Australia
Unknown Region 7%
## WHOIS Inaccuracy Complaints by TLD
### March – May 2012

<table>
<thead>
<tr>
<th>Region</th>
<th>biz</th>
<th>com</th>
<th>info</th>
<th>mobi</th>
<th>name</th>
<th>net</th>
<th>org</th>
<th>unknown</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Africa</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Americas</td>
<td>183</td>
<td>3,647</td>
<td>853</td>
<td>0</td>
<td>1</td>
<td>1,167</td>
<td>327</td>
<td>0</td>
<td>6,178</td>
</tr>
<tr>
<td>Asia</td>
<td>17</td>
<td>993</td>
<td>105</td>
<td>0</td>
<td>0</td>
<td>112</td>
<td>32</td>
<td>0</td>
<td>1,259</td>
</tr>
<tr>
<td>Europe</td>
<td>12</td>
<td>685</td>
<td>22</td>
<td>0</td>
<td>0</td>
<td>726</td>
<td>28</td>
<td>0</td>
<td>1,473</td>
</tr>
<tr>
<td>Australia</td>
<td>0</td>
<td>85</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>10</td>
<td>12</td>
<td>0</td>
<td>107</td>
</tr>
<tr>
<td>Unknown* Region</td>
<td>12</td>
<td>250</td>
<td>213</td>
<td>12</td>
<td>1</td>
<td>185</td>
<td>37</td>
<td>1</td>
<td>711</td>
</tr>
<tr>
<td>Total</td>
<td>224</td>
<td>5,660</td>
<td>1,193</td>
<td>12</td>
<td>2</td>
<td>2,200</td>
<td>436</td>
<td>1</td>
<td>9,728</td>
</tr>
</tbody>
</table>

* 710 Tickets Pending Systematic Classification
WHOIS Inaccuracy Complaints Closed

March - May 2012

Total Closed = 8511

<table>
<thead>
<tr>
<th>WHOIS Complaints Closed</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rejected</td>
<td>15%</td>
</tr>
<tr>
<td>Systematically</td>
<td>79%</td>
</tr>
<tr>
<td>Manual</td>
<td>6%</td>
</tr>
</tbody>
</table>

498 Manually Closed Complaints

<table>
<thead>
<tr>
<th>498 Manually Closed Complaints</th>
</tr>
</thead>
<tbody>
<tr>
<td>Domain Expired/Deleted</td>
</tr>
<tr>
<td>Data Updated</td>
</tr>
<tr>
<td>Domain Transferred</td>
</tr>
<tr>
<td>Invalid Report</td>
</tr>
<tr>
<td>Privacy/Proxy</td>
</tr>
<tr>
<td>Registrar Verified Data Correct</td>
</tr>
<tr>
<td>Domain Suspended</td>
</tr>
</tbody>
</table>

*Additional tickets closed, but software updates needed to capture stats on additional closures.
2 Intake Systems for receiving complaints and inquiries

- **General Complaint Intake** - 191 UDRP inquiries processed and closed, i.e., UDRP FAQ, Process questions and Advice requests

- **UDRP Intake** - 6 complaints about registrars failing to implement UDRP Provider decisions

<table>
<thead>
<tr>
<th>Resolved within</th>
<th>1(^{ST}) NOTICE</th>
<th>2(^{ND}) NOTICE</th>
<th>3(^{RD}) NOTICE**</th>
</tr>
</thead>
<tbody>
<tr>
<td>MARCH 2012</td>
<td>0</td>
<td>1*</td>
<td>0</td>
</tr>
<tr>
<td>APRIL 2012</td>
<td>5</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>MAY 2012</td>
<td>1</td>
<td>2</td>
<td>0</td>
</tr>
</tbody>
</table>

*Notice refers to complaint submitted prior to Trimester 3  
** Decisions have been implemented
Customer Service Complaint Demographics
March - May 2012

- 8.3% Americas
- 2.3% Europe
- 5.9% Asia
- 0% Africa
- Unknown Regions 82.8%
- .7% Australia
## Customer Service Complaint Breakdown
### March - May 2012

<table>
<thead>
<tr>
<th>Complaint Category</th>
<th>Africa</th>
<th>Americas</th>
<th>Asia</th>
<th>Europe</th>
<th>Australia</th>
<th>Unknown Continent</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>CCTLD</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>100.0</td>
<td>100.0</td>
</tr>
<tr>
<td>Contact Update</td>
<td>-</td>
<td>1.4</td>
<td>1.4</td>
<td>2.5</td>
<td>-</td>
<td>94.6</td>
<td>100.0</td>
</tr>
<tr>
<td>CPanel</td>
<td>-</td>
<td>27.3</td>
<td>4.5</td>
<td>4.5</td>
<td>-</td>
<td>63.6</td>
<td>100.0</td>
</tr>
<tr>
<td>DN Dispute</td>
<td>-</td>
<td>11.2</td>
<td>4.5</td>
<td>2.6</td>
<td>1.5</td>
<td>80.2</td>
<td>100.0</td>
</tr>
<tr>
<td>Domain Renewal</td>
<td>-</td>
<td>7.1</td>
<td>5.8</td>
<td>3.6</td>
<td>0.9</td>
<td>82.7</td>
<td>100.0</td>
</tr>
<tr>
<td>Financial Transaction</td>
<td>-</td>
<td>12.8</td>
<td>8.5</td>
<td>-</td>
<td>-</td>
<td>78.7</td>
<td>100.0</td>
</tr>
<tr>
<td>GTLD</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>100.0</td>
<td>100.0</td>
</tr>
<tr>
<td>Name Password</td>
<td>-</td>
<td>4.0</td>
<td>12.0</td>
<td>8.0</td>
<td>-</td>
<td>76.0</td>
<td>100.0</td>
</tr>
<tr>
<td>Ownership Transfer</td>
<td>-</td>
<td>16.1</td>
<td>19.5</td>
<td>2.5</td>
<td>1.7</td>
<td>60.2</td>
<td>100.0</td>
</tr>
<tr>
<td>Redemption</td>
<td>-</td>
<td>13.6</td>
<td>-</td>
<td>-</td>
<td>9.1</td>
<td>77.3</td>
<td>100.0</td>
</tr>
<tr>
<td>Registrar Service</td>
<td>-</td>
<td>5.9</td>
<td>3.8</td>
<td>-</td>
<td>0.5</td>
<td>89.7</td>
<td>100.0</td>
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<td>Reseller Provider</td>
<td>-</td>
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<td>1.7</td>
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Additional Resources

• Inter-Registrar Transfer Information
  http://www.icann.org/en/resources/registrars/transfers

• Amended transfer policy
  http://www.icann.org/en/general/consensus-policies.htm

• Learn more about ICANN Compliance
  http://www.icann.org/en/resources/compliance