



ICANN | 53   
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# Registrar Outreach

Contractual Compliance | ICANN 53 | 25 June 2015



# Agenda

## ⦿ **Brief Update Since ICANN 52**

- ⦿ RAA Lessons Learned Summary
- ⦿ Registrar Metrics Update
- ⦿ Systems Update
- ⦿ Whois ARS Compliance Pilot Update
- ⦿ Policy Efforts Update

## ⦿ **Questions & Answers**

Additional Slides Provided in Appendix for your reference:

- ⦿ Audit Activities Update
- ⦿ RAA Lessons Learned Guidelines
- ⦿ Registrar Metrics since ICANN 52
- ⦿ Process Guidelines & Clarification
- ⦿ Additional RAA Guidelines & Reference

# RAA Lessons Learned Summary

1

## **Whois Accuracy Program Specification**

Distinguishing between verification and validation

2

## **Abuse Reports Requirements**

Establishing investigative processes

3

## **Domain Renewal Requirements**

Sending timely reminders to registered name holder

4

## **General UDRP Issue**

Verifying with UDRP providers and preventing improper transfer

5

## **Inter-Registrar Transfer**

Using the correct Forms of Authorization (FOAs)

# Registrar Metrics Update (January – May 2015)

Registrar Complaints	Quantity Received	Closed before 1st inquiry / notice	ICANN Issue
WHOIS INACCURACY	14,182	5,514	2
TRANSFER	2,436	1,253	0
DOMAIN RENEWAL	362	161	0
WHOIS FORMAT	295	248	0
DATA ESCROW	200	0	3
DOMAIN DELETION	194	188	0
WHOIS SLA	175	186	0
ABUSE	142	84	1
WHOIS UNAVAILABLE	102	59	0
UDRP	81	59	0
FEES	75	2	0
CUSTOMER SERVICE	68	60	0
REGISTRAR CONTACT	40	17	0
REGISTRAR INFO SPEC	39	25	0
CEO CERTIFICATION	34	1	0
REGISTRAR OTHER	27	6	0
PRIVACY/PROXY	12	9	0
RESELLER AGREEMENT	8	0	0
WHOIS QUALITY REVIEW	7	0	0
FAILURE TO NOTIFY	6	6	0
DNSSEC, IDN, IPV6	5	6	0
Total	18,490	7,884	6

Formal Notices	Volume
Volume Breach	21
Volume Non-Renewal	0
Volume Suspension	4
Volume Termination	4

Registrar Turn Around Time (TAT)	(in days)
Avg TAT 1st Notice	12.0
Avg TAT 2nd Notice	6.6
Avg TAT 3rd Notice	7.1

# Systems updates since ICANN 52

## Improvements based upon community & contracted party feedback:

- ⦿ Include ticket IDs and standardize subject headings for closure notices
- ⦿ Provide auto confirmation email to all responses received by ICANN between 1st Inquiry/Notice and the closure notice
- ⦿ Soft launch of registrar weekly report of open (and recently closed) tickets
- ⦿ Email [Registrar@ICANN.org](mailto:Registrar@ICANN.org) to sign-up for the Compliance Weekly Report
- ⦿ Add closure reason for complaint being closed for “ICANN issue”
- ⦿ Ensure automated closure notices are sent to the proper contacts

## Other improvements:

- ⦿ Integrate [compliance@icann.org](mailto:compliance@icann.org) into complaint processing system
- ⦿ Automate sending anonymous complaints by masking reporter information when requested
- ⦿ Clarify and simplify wording in the communication templates
- ⦿ Additional speed/automation improvements

# Communicating With ICANN

## Tips for communicating with ICANN Contractual Compliance

- ⦿ Whitelist emails from icann.org
- ⦿ Check that your mail servers are not blocking emails from ICANN
- ⦿ Reply to compliance notices ASAP and state what you are doing
  - ⦿ But no later than notice deadline
  - ⦿ Early response allows for follow up and collaboration if insufficient
- ⦿ Do not change the subject lines in any way when responding to compliance notices
- ⦿ Make sure response + attachments are less than 4 MB size total

# Whois ARS Compliance Pilot Update

## Whois ARS Compliance Pilot Overview

- ⦿ Complaint Volume and outcome
  - ⦿ 10510 complaint tickets created
  - ⦿ 71 tickets sent to registrars
  - ⦿ 10439 closed before sending to Registrars (see below)
- ⦿ Closure Resolve Codes:
  - ⦿ Incomplete (9941)
  - ⦿ Domain not registered (337)
  - ⦿ Domain suspended or canceled (208)
  - ⦿ Complaint inconsistent with current Whois (12)
  - ⦿ Data changed (9)
  - ⦿ Registrar verified correct (8)

**Note:** some complaints are closed with multiple closure codes; total will not equal to 10510



# Whois ARS Compliance Pilot Update

## Lessons Learned

- ⦿ Inaccuracy criteria used for the sampling was not aligned with RAA/ICANN process
  - Contractual Compliance and Registrar feedback provided
  - Cross-team collaborated to align on test criteria
  - Whois ARS Phase 1 Validation Criteria published at <http://whois.icann.org/sites/default/files/files/whois-ars-phase-1-validation-criteria-01jun15-en.pdf>
  - Ensure future Whois ARS reports are complete
- ⦿ Large complaint ticket influx burdened the complaint processing system
  - Identified improvements to the Whois inaccuracy processing script
  - Staggered the ticket creation
- ⦿ Separate data files from vendors caused inefficiency and duplication
  - Request to consolidate the reports and where appropriate all identified inaccuracies for a domain are placed in one record

# Update to Additional Whois Information Policy

31 January 2016 effective date for AWIP requirements

- ⦿ Registrars must:
  - ⦿ Only refer to registration statuses in Whois by EPP status codes
  - ⦿ Include a link for each EPP status code in Whois to ICANN webpage explaining each code
  - ⦿ Include this message in Whois output: “For more information on Whois statues, please visit:  
<https://www.icann.org/resources/pages/epp-status-codes-2014-06-16-en> .”

31 January 2016 effective date for Whois Clarifications

## Examples of Important Clarifications

- ⦿ For optional fields where no data exists in a contracted party's Registration System (SRS), the contracted party MUST implement either of: 1) the key (i.e., the string to the left of the colon) MUST be shown with no information in the value section (i.e., right-hand side of the colon) of the field; or 2) no field MUST be shown. If data exist for a given optional field, the key and the value with the data MUST be shown.
- ⦿ The value section of the "Reseller" field SHOULD be shown, but MAY be left blank or the whole field MAY not be shown at all. If shown, the value of the field MUST be the name of organization, in case the Reseller for the name is a legal entity, or a natural person name otherwise.
- ⦿ The below fields MAY appear immediately before the last field ("URL of the ICANN WHOIS Data Problem Reporting System") instead of following the "Registrar IANA ID" field:
  - Registrar Abuse Contact Email
  - Registrar Abuse Contact Phone

# Questions & Answers



## Send compliance questions

To: [compliance@icann.org](mailto:compliance@icann.org)

Subject line: ICANN 53 Registrar Outreach Session

### The ICANN 53 presentations are available at:

- The outreach page at this link

<https://www.icann.org/resources/compliance/outreach>

- The ICANN 53 Schedule page at this link

<http://buenosaires53.icann.org/en/schedule-full>

for access to meeting objective, audio and material by meeting.

# Appendix

- Audit Activities Update
- Additional Whois ARS
- RAA Lessons Learned Guidelines
- Additional Registrar Metrics
- Process Guidelines
- Additional RAA Guidelines



# Audit Activities since ICANN 52

## **Three-Year Audit Program** (last year of the program)

- ⦿ Year-three Phase launched October 2014 and completed May 2015
- ⦿ 316 Registrars originally selected
- ⦿ Five Registrars rolled over from Year-two
- ⦿ Five “legacy” Registry Operators
- ⦿ Two Registrars terminated due to inability to provide requested documentation
- ⦿ Five Registrars terminated prior to the commencement of the audit
- ⦿ The audit report will be published in July 2015

# Audit Activities since ICANN 52

## **New Registry Agreement Audit Program**

- ⦿ Launched another round in March 2015
- ⦿ 11 Registries selected
- ⦿ Scheduled to complete July 2015
- ⦿ The audit report will be published in September 2015

## **What's Next?**

- ⦿ Preparing for 2013 RAA and future rounds of the new RA audits
- ⦿ Detailed slides are available in the Appendix

Link to the ICANN Contractual Compliance Audit Page:

<https://www.icann.org/resources/pages/audits-2012-02-25-en>

# Three-Year Audit Program Update – Year-3 Timeline

	RFI Notification Phase				Audit Phase		Reporting Phase		Remdiation Phase	
Pre-Audit Notification	RFI - 1st Notice	RFI - 2nd Notice	RFI - 3rd Notice	RFI - 3rd Notice Due	Start	End	Start	End	Start	End
06-Oct-14	20-Oct-14	11-Nov-14	18-Nov-14	24-Nov-14	01-Dec-14	06-Mar-15	09-Mar-14	23-Mar-15	09-Mar-15	27-Apr-15

# Three-Year Audit Program Update – Year-3 Registrar Selection Criteria

- ◉ The remaining 1/3 of the Three-Year Audit Program
- ◉ Registrars from Year-2 rolled over to year-3 for a partial re-audit
- ◉ Registrars under the same management and operating technically and operationally in the same manner were given the option to respond on behalf of one registrar and include a reference to all the registrar IANA numbers for all the remaining registrars within the family
- ◉ Registrars under the same management and operating technically and operationally in the same manner as registrars audited in either Year 1 or Year 2 were given the option to opt out from the Year 3 Audit

# Three-Year Audit Program Update – Year-3 Registry Selection Criteria

- ⦿ Five remaining legacy registries were audited in Year -3
- ⦿ Audit Reports were issued which sets out results from the review

Registries worked collaboratively with ICANN in an effort to address any items identified in the their respective Reports.



# Year-3 Registrar Audit Program – Provisions tested

2009 RAA Provision	2013 RAA Provision	Objective
3.3.1 to 3.3.5	3.3.1 to 3.3.5	To confirm that Whois lookups via Interactive Webpage & Port 43 are operational and Corresponding Data Elements are displayed
3.4.2	3.4.2	To confirm that Registration Data are retained
3.7.5.3 to 3.7.5.6	3.7.5.3 to 3.7.5.6	To confirm that Registrar follows EDDP Policy regarding domain renewals and provisions of applicable information to registrants
3.10	3.10	To verify that Registrars' Insurance is current, valid and at the required level
3.12	3.12	To verify that Reseller Agreement includes mandatory provisions
3.16	3.17	To confirm that Registrar contact details are displayed at registrar's website
4.3.1	4.1	To verify Registrar's Compliance with Consensus Policies & Temporary Policies (ERRP, IRTP, WDRP)
5.11	7.6	To verify that RADAR contains of current contact information

*Please note: This chart shows the provision in relation to the 2013 RAA also*

# Year-3 Registrar Audit – Key Statistics

## Number of Registrars

Selected for audit	316
Opted out (“families' members”)	180
Audit postponed (due to change of ownership)	2
Terminated prior and during the RFI phase	5
Terminated during audit phase	2
Terminated during remediation phase	3
Registrars applicable for inclusion in Audit Result Statistics (Slide 8)	124
Registrars that completed audit with no deficiencies	41
Registrars with true deficiencies; confirmed full remediation	64
Follow-up (partial re-audit) required (to verify remediation effectiveness)	19

Approximate number documents received and reviewed 12,300

Countries covered: 38

Languages covered: 13

# Year-3 Registrar - Audit Result

2009 RAA Provision	2013 RAA Provision	Description 124 Registrars	Percentage of Registrars with deficiencies
4.3.1	4.1	Compliance with Consensus Policies & Temporary Policies – TEAC	29%
3.12	3.12	Reseller Agreement (mandatory provisions)	26%
5.11	7.6	Update contact information in RADAR	23%
3.3.1 to 3.3.5	3.3.1 to 3.3.5	Whois – Interactive Webpage, Corresponding Data Elements	16%
3.16	3.17	Registrar contact details on registrar’s website	15%
4.3.1	4.1	Compliance with Consensus Policies & Temporary Policies – ERRP	10%
3.10	3.10	Insurance	7%
4.3.1	4.1	Compliance with Consensus Policies & Temporary Policies – WDRP	6%
3.4.2	3.4.2	Retention of Registration Data	4%
3.4.2	3.4.2	Payments	4%
3.7.5.3 to 3.7.5.6	3.7.5.3 to 3.7.5.6	EDDP – Domain name renewal, provision of applicable information to registrants	2%
4.3.1	4.1	Compliance with Consensus Policies & Temporary Policies – IRTP	2%

# 2013 RAA Provisions Audit Plan Scope

## Provision

## Objective

### WHOIS ACCURACY PROGRAM

3.3.1 to 3.3.5 To confirm that Whois lookups via Interactive Webpage & Port 43 are operational and Corresponding Data Elements are displayed

### DATA RETENTION

3.4.1 to 3.4.2 To confirm that Registration Data are retained

3.7.5.3 to 3.7.5.6 To confirm that Registrar follows EDDP Policy regarding domain renewals and provisions of applicable information to registrants

3.7.7.1 - 3.7.7.12 To confirm that registration agreement includes required provisions

### REGISTRAR OBLIGATIONS

3.7.10 To verify that Registrar provides a link to Registrants' Benefit & Responsibilities Specifications

3.7.11 To verify that Registrar provides Complaints & Dispute Resolution process description

3.10 To verify that Registrars' Insurance is current, valid and at the required level

3.12 To verify that Resellers' Agreements include mandatory provisions

3.12.4 & 3.14 To verify Resellers' compliance with Specification on Privacy and Proxy Registrations and (once in effect), ICANN Proxy Accreditation Program

3.12.5, 3.12.7 & 3.16 To verify Reseller provision of link to Registrant Educational Information (Registrants' Benefit & Responsibilities)

3.13 To confirm that Registrar received required training

3.15 To verify that Registrar submitted self-assessment certificate

# 2013 RAA Provisions Audit Plan Scope

Provision	Objective
<b>REGISTRAR OBLIGATIONS</b>	
3.17	To verify that Registrar provided contact details on registrar's website
3.18	To verify that Registrar provided abuse contact and abuse handling process information on its website; as well investigations of abuse reports are performed.
3.19	To confirm the compliance with Additional Technical Specifications (IPV6, DNSSEC and IDNs)
3.20	To confirm the required reporting of Notice of Bankruptcy, Convictions and Security Breaches
7.6	To verify that contact information in RADAR is current
<b>COMPLIANCE WITH POLICIES</b>	
4.1	To confirm compliance with Consensus Policies & Temporary Policies
WHOIS Accuracy Program Specification	To confirm compliance with WHOIS accuracy requirements



A world map where the continents are defined by a network of white dots and connecting lines, set against a solid orange background. The dots vary in size and are densely packed in some areas, creating a complex, interconnected web that represents global connectivity.

**Additional slides on Whois ARS**

# Whois ARS Compliance Pilot Update

## Whois ARS Contractual Compliance Pilot Overview

### Goal of Compliance Pilot:

- To test the proof of concept of using Whois ARS data to generate and forward valid Whois inaccuracy and Whois format complaints to registrars

### Summary of Events from January – April 2015:

- Telephone and email inaccuracy reports sent to contractual compliance
- Conducted Initial review and validation of the data and collaborated with the Whois ARS ICANN and vendors
- Uploaded the data into the complaint processing system
- Began processing complaints
- Stopped processing to address data issues based on registrar feedback
- Resumed complaint processing
- Closed complaints in system if data was incomplete or did not meet the contractual criteria

# Whois Accuracy Reporting System

## Enforcing Contractual Obligations

- ⦿ Registrars must investigate and correct inaccurate Whois data per:
  - ⦿ Section 3.7.8 of 2009 and 2013 RAA and
  - ⦿ Whois Accuracy Program Specification of 2013 RAA
- ⦿ Registrars under 2013 RAA must use Whois format and layout required by Registration Data Directory Service (Whois) Specification
- ⦿ Whois inaccuracy and Whois format complaints created from Whois ARS data will follow the Contractual Compliance Approach and Process as published at <https://www.icann.org/resources/pages/approach-processes-2012-02-25-en>
- ⦿ Failure to respond or demonstrate compliance during complaint processing will result in a Notice of Breach (and published on icann.org)
- ⦿ ICANN will continue to give priority to complaints submitted by the community members

# Whois Accuracy Reporting System

## Responses to Registrar Feedback and/or questions

- ◉ Compliance anticipated starting Whois ARS Compliance Pilot on 5 February 2015
  - ◉ First tickets processed 18 February 2015
  - ◉ Complaint processing halted 20 February 2015 to address registrar feedback
- ◉ All Whois ARS complaints can be identified by
  - ◉ Reporter Name: WHOIS Accuracy Reporting System (ARS)
  - ◉ Reporter Email: [whoiscompliance@icann.org](mailto:whoiscompliance@icann.org)
- ◉ Complaint processing system lacks the capability to throttle tickets sent to registrars
- ◉ Sending registrars 110% of monthly average Whois inaccuracy tickets during Whois ARS Pilot would have required 18 months (minimum)
- ◉ All Whois ARS complaints will be processed alongside other Whois inaccuracy and Whois format tickets, and will all be manually validated by ICANN before sending to registrars



The background of the slide is a solid orange color. Overlaid on this is a stylized world map. The map is constructed from a network of small white dots connected by thin white lines, creating a mesh-like structure that outlines the continents. The text is centered horizontally and vertically over the map.

# **RAA Lessons Learned Guidelines**



# 1. Whois Accuracy Program Specification (WAPS)

## Distinguishing verification/validation

- ◉ Verify

- ◉ “to confirm or correct accuracy of Whois data”
- ◉ Requires contacting and receiving response from RNH

- ◉ Validate

- ◉ “to ensure format of Whois data is consistent with standards”
- ◉ Only the registrar can validate ( not RNH)

# 1. 2013 RAA: WAPS Validation

- ◉ Validation: ensure data is present and formatting is consistent with standards
  - ◉ “Standards” includes RFC 5322 (email), ITU-T E. 164 (telephone), UPU postal or S42 addressing templates (postal addresses) or equivalents for country or territory
    - ◉ Not websites or map applications (unless they rely on standards)
    - ◉ Not something obtained from RNH
- ◉ ICANN request registrars to specify the standards used for validation and validation results

# 1. 2013 RAA: WAPS Verification

- ⦿ Verification: to confirm or correct information
  - ⦿ Affirmative response verification by email:
    - ⦿ Receive email from registrant email address listed in Whois data, or
    - ⦿ Returning a unique code in a manner designated by the Registrar
  - ⦿ Affirmative response verification by telephone:
    - ⦿ Calling or sending an SMS to the Registered Name Holder's telephone number providing a unique code that must be returned in a manner designated by the Registrar, or
    - ⦿ Calling the Registered Name Holder's telephone number and requiring the Registered Name Holder to provide a unique code that was sent to the Registered Name Holder via web, email or postal mail.
- ⦿ Absent affirmative response verification within 15 days of trigger:
  - ⦿ Registrar must manually verify or suspend domain until verification occurs

# 1. 2013 RAA: WAPS Triggers by Section Number

- ⦿ Section 1: validation and verification required for all new registrations, inbound transfers or when the RNH changes
- ⦿ Section 2: verification and validation required for updated Whois data
- ⦿ Section 4: if registrar has information suggesting Whois data is incorrect it must also verify or re-verify email addresses of RNH and account holder
  - ⦿ Whois inaccuracy complaint triggers verification

# 1. Whois Inaccuracy Notices and WAPS

- ⦿ **Section 3.7.8:** Registrars are required to take reasonable steps to investigate and correct Whois data inaccuracies
- ⦿ ICANN requests:
  - ⦿ Correspondence during investigation, including email headers and investigation details, including when, how, and with whom communication was conducted
  - ⦿ Validation of any data updated following investigations per Section 2 of WAPS (ICANN requires registrars to specify the standards used for validation and validation results)
  - ⦿ Verification of RNH email per Section 4 of WAPS
- ⦿ The obligations to validate, verify and investigate alleged Whois inaccuracies under RAA Section 3.7.8 are not interchangeable

# 1. Whois Inaccuracy Notices and WAPS

- ⦿ Registrars have 15 calendar days after trigger event (for ex new registration, in-bound transfer, change to registrant, Whois Inaccuracy complaint) to verify/validate, as applicable
  - ⦿ Multiple triggers within initial period do not add time
- ⦿ ICANN's 1st compliance notice remains 15 business days
- ⦿ ICANN asks in 2nd compliance notice why registrars did not suspend or delete registrations within 15 calendar days



# 1. Whois Inaccuracy Notices and WAPS

- ◉ ICANN looking for one of three results to Whois inaccuracy complaint:
  - ◉ Whois updated within 15 days of notifying RNH – registrar provided documentation of validation of updates and verification (including affirmative response or manual verification)
  - ◉ No response from RNH within 15 days of notifying RNH – domain suspended until registrar has verified information
  - ◉ Whois verified as accurate (no change) within 15 days of notifying RNH – registrar provided documentation of verification
- ◉ ICANN may also request evidence of WAPS fulfillment under Section 1

## 2. Abuse Reports Requirements

- ⦿ Most common abuse reports are about online pharmaceuticals, malware, viruses and spam
- ⦿ Examples of out of scope reports:
  - ⦿ Registrars on 2009 RAA
  - ⦿ Reporter did not contact the registrar before complaining to ICANN
- ⦿ ICANN continues to conduct outreach with registrars, abuse reporters and IP rights protection groups

# 2. Abuse Reports Requirements

## Section 3.18 of 2013 RAA

- ⦿ 3.18.1: anyone worldwide can file valid abuse reports
- ⦿ 3.18.2: law enforcement, consumer protection, quasi-govt. - No jurisdictional limitation once entity is designated by registrar's local government.
- ⦿ Registrar must investigate reports
  - ⦿ Court order NOT required to investigate
  - ⦿ Investigative process can vary depending on report
- ⦿ Home page must link to abuse process and email address

# 2. 2013 RAA: Abuse Reports Requirements

## Section 3.18.1

- Registrars must:
  - Take reasonable and prompt steps to investigate and
  - Respond appropriately to ANY reports of abuse
- Reasonable steps may include:
  - Contacting the RNH of the domain(s)
- Appropriately varies depending on the facts and circumstances
- Whois data verification by itself is insufficient
- Court order is not required for registrar to investigate absent a specific local law or regulation provided to ICANN

VS

## Section 3.18.2

- Registrar must have dedicated abuse email and phone number in Whois output
- Reports of Illegal Activity must be reviewed within 24 hours by an individual who is empowered to take necessary and appropriate actions
- Reports can be from any applicable jurisdiction once reporter is designated by registrar's local government as an authority

## 2. Abuse Reports - ICANN Complaint Processing

- ⦿ ICANN confirms that reporter sent abuse report to registrar abuse contact before sending complaint to registrar
- ⦿ ICANN could request the:
  - ⦿ Steps taken to investigate and respond to abuse report
  - ⦿ Time taken to respond to abuse report
  - ⦿ Correspondence with complainant and registrant
  - ⦿ Link to website's abuse contact email and handling procedure
  - ⦿ Location of dedicated abuse email and telephone for law-enforcement reports
  - ⦿ Whois abuse contacts, email and phone
- ⦿ Examples of steps registrars took to investigate and respond to abuse reports:
  - ⦿ Contacting registrant
  - ⦿ Asking for and obtaining evidence or licenses
  - ⦿ Providing hosting provider info to complainant
  - ⦿ Performing Whois verification
  - ⦿ Performing transfer upon request of registrant
  - ⦿ Suspending domain

## 2. Abuse Reports – Resolve Codes

- ⦿ Abuse contact info published on registrar website
- ⦿ Added required abuse information in Whois output
- ⦿ Abuse report handling procedures published on registrar website
  
- ⦿ Registrar suspended or canceled domain
  
- ⦿ Registrar demonstrated that it maintained abuse records
  
- ⦿ Registrar responded to abuse report (non-LEA), including:
  - ⦿ Communicating report to registrant
  - ⦿ Registrant provides copy of government license
  - ⦿ Reporter removed from email distribution list (spam complaint)
  - ⦿ Website content in complaint removed
- ⦿ Registrar responded to LEA illegal activity reports
  
- ⦿ Registrar documented valid non-action, including
  - ⦿ Registrar previously responded to complaint
  - ⦿ Invalid abuse complaint
  
- ⦿ Registrar now monitoring abuse email address/phone
  
- ⦿ Registrar showed email/phone already published



# 3. Domain Renewal Requirements

## Expired Registration Recovery Policy

- ⦿ Renewal reminders must be sent at required times to RNH
  - ⦿ Approximately 1 month (26-35 days) and 1 week (4-10 days) prior to expiration and within 5 days after expiration
  - ⦿ Required even if registration is on auto-renew
  - ⦿ Must be communicated in a way that does not require an affirmative action to receive the notice
  - ⦿ Can be sent to other email addresses *in addition to* the RNH email address
  - ⦿ Can be sent at other intervals *in addition to* those prescribed by the ERRP
- ⦿ For at least the last eight consecutive days after expiration that the registration is renewable, the DNS resolution path must be interrupted
  - ⦿ If traffic is re-directed to a parking page, it must say that the name expired and include renewal instructions
  - ⦿ If RAE renews name, DNS resolution path must be restored as soon as commercially reasonable

# 4. General UDRP Issues

## Uniform Domain Name Dispute Resolution Policy

- ⦿ Verify with providers and prevent improper transfer
  - ⦿ Registrars not responding to verification requests from providers
  - ⦿ Registrars transferring names during proceedings or instead of implementing Decision
- ⦿ Complexity of matters involving “mutual jurisdiction”
- ⦿ Complainants not providing information to registrars to update Whois
- ⦿ If domain name expires or is deleted during the course of a UDRP dispute, Complainant has the right to renew or restore under same commercial terms as RNH

Note: UDRP Rule revisions take effect 31 July 2015

# Update to UDRP Rules

## Implementation for the revisions to the UDRP Rules is 31 July 2015

- ⦿ “Lock” defined: measures to prevent modification to the registrant and registrar information by UDRP Respondent
- ⦿ Within two business days of request for verification from UDRP Provider:
  - ⦿ Registrar must lock domain(s) at issue, confirm lock was applied and provide information requested in verification request to Provider
  - ⦿ Lock must be removed within one business day of Registrar being notified that proceeding has been withdrawn or dismissed
- ⦿ Within three business days of receiving Provider’s Decision, registrar must communicate implementation date to Parties, Provider and ICANN
- ⦿ For cases settled between parties outside the UDRP cases
  - ⦿ Provider to inform Registrar of suspension and outcome of the settlement
  - ⦿ Registrar shall remove the lock within two business days of being notified by the Provider
- ⦿ Other changes can be found in full redline of revisions at <https://www.icann.org/en/system/files/files/udrp-rules-redline-24sep14-en.pdf>

# 5. Inter-Registrar Transfers

## Inter-Registrar Transfer Policy

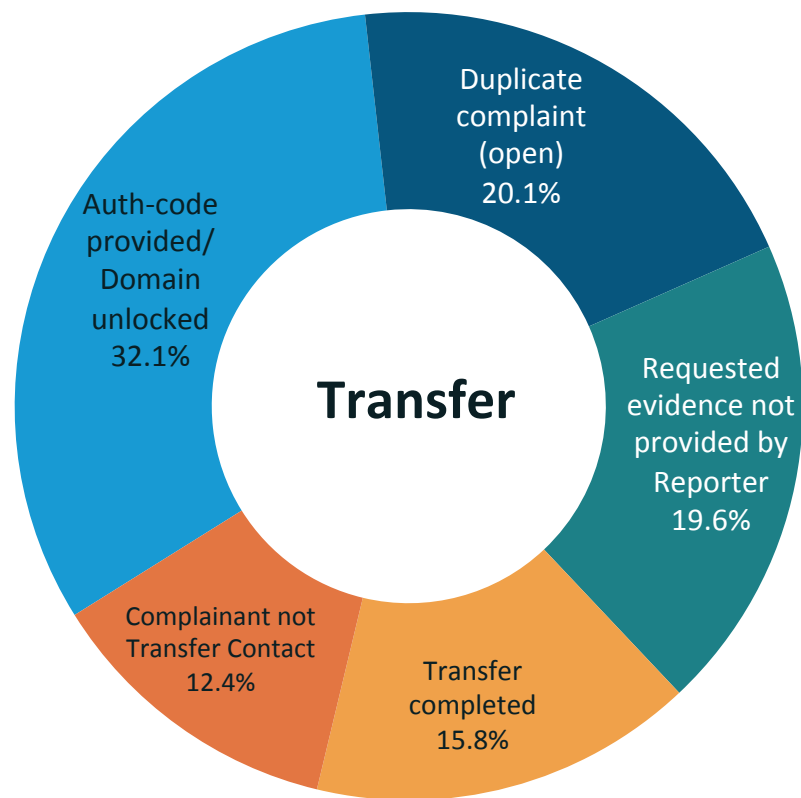
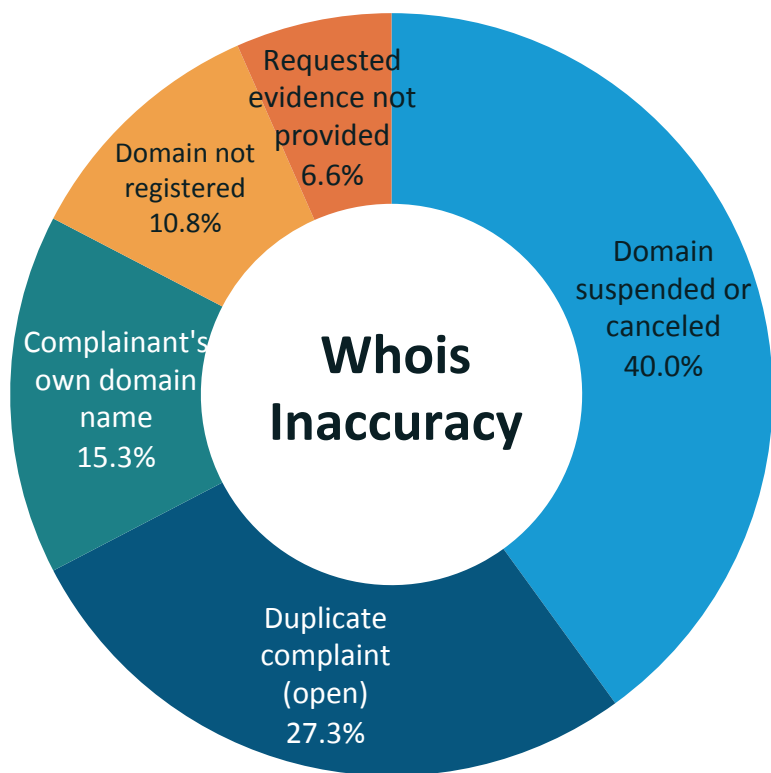
- ⦿ Registrars must use the standardized Form Of Authorization (Sections 2 and 3 of the IRTP)
  - ⦿ Gaining registrar FOA:  
<https://www.icann.org/resources/pages/foa-auth-2004-07-12-en>
    - ⦿ Affirmative response required from Transfer Contact before sending command to registry
  - ⦿ Losing registrar FOA:  
<https://www.icann.org/resources/pages/foa-conf-2004-07-12-en>
  - ⦿ FOA must be sent in English (other languages permitted in addition to English version)
- ⦿ The AuthInfo code must be used to identify the RNH only, must be unique and on a per-domain basis

A world map where the continents are defined by a complex network of white dots and thin white lines. The dots vary in size, and the lines connect them to form a web-like structure. The background is a solid teal color.

# Registrar Metrics

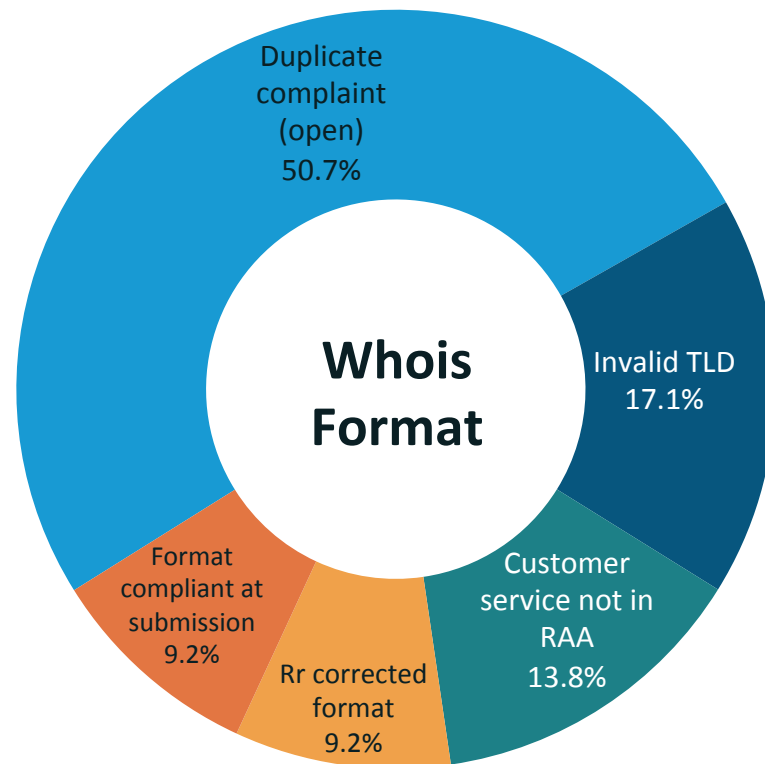
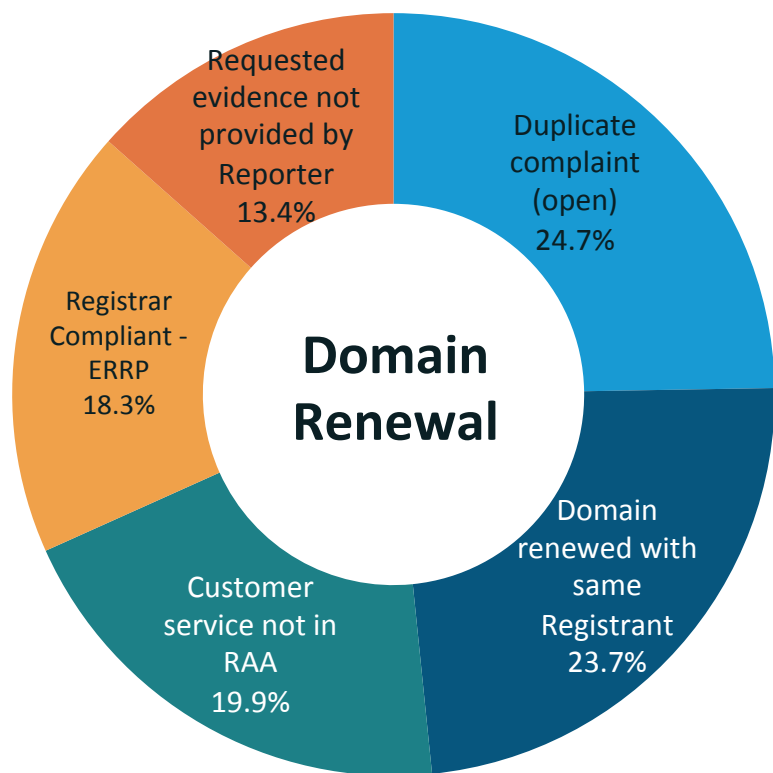


# Registrar Complaint Types & Top Closure Reasons (January – May 2015)

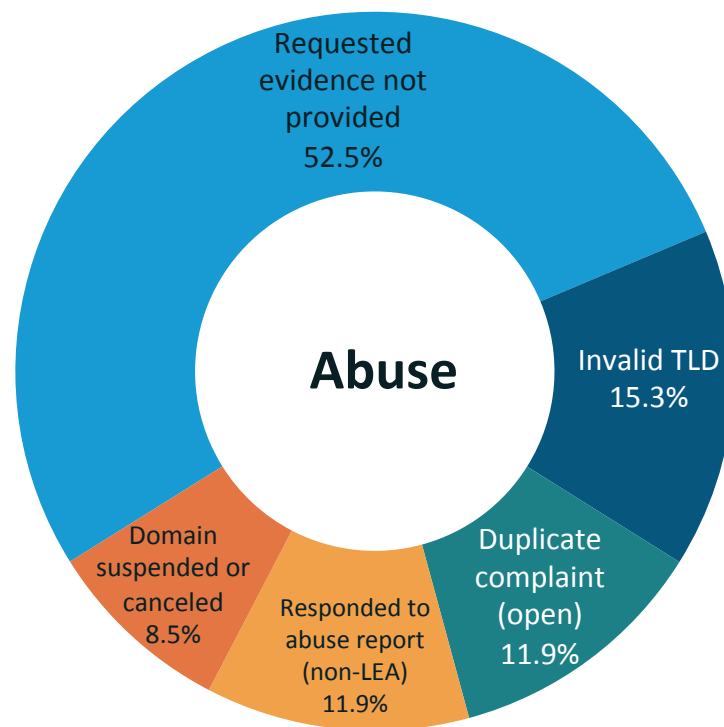
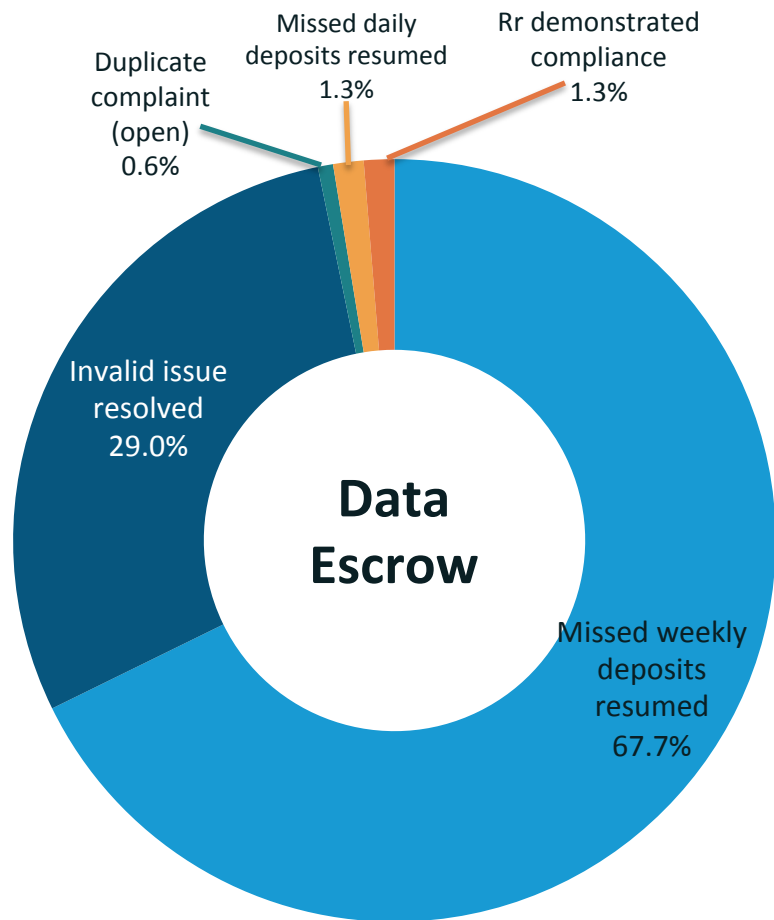




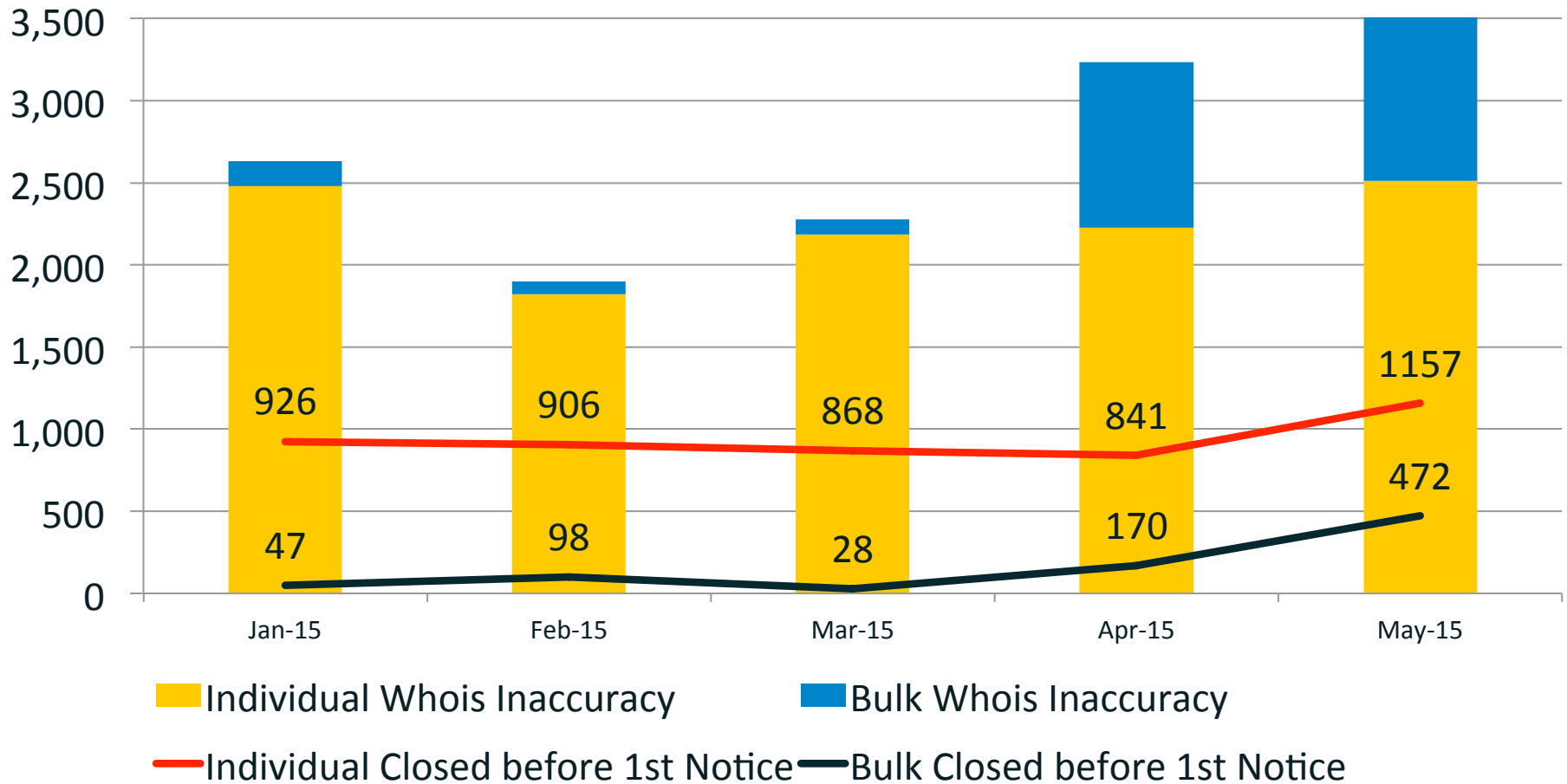
# Registrar Complaint Types & Top Closure Reasons (January – May 2015)



# Registrar Complaint Types & Top Closure Reasons (January – May 2015)

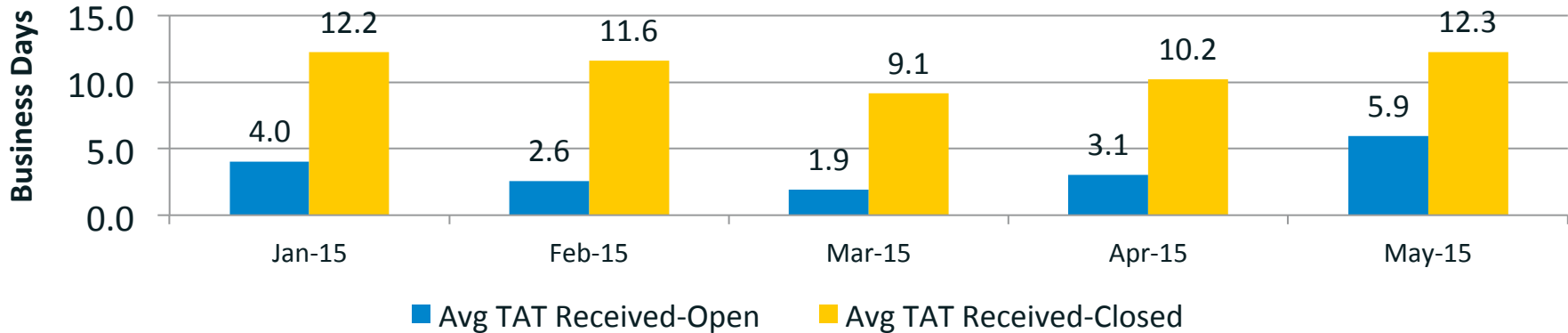


# Whois Inaccuracy Complaints – Individual vs. Bulk (January – May 2015)

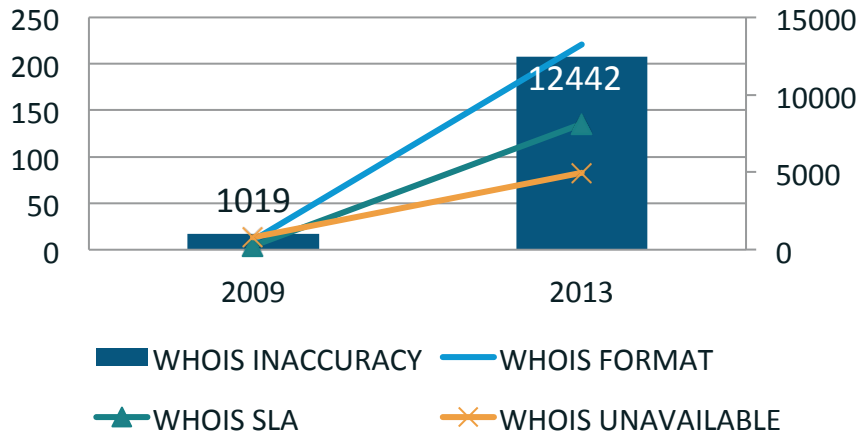


# WHOIS Inaccuracy Quality Review Results

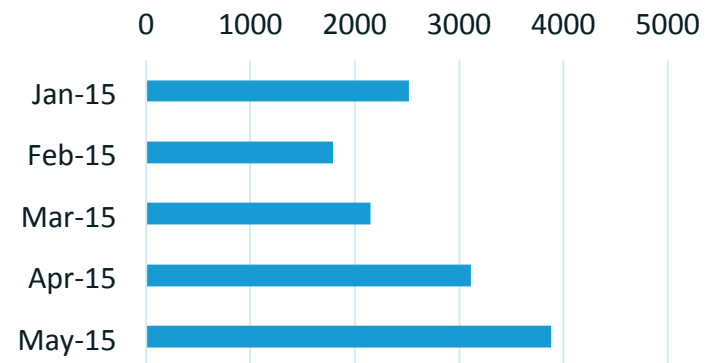
## Average Business Days Turn Around Time - Registrars



## Registrar Complaints by Contract Year Jan - May 2015

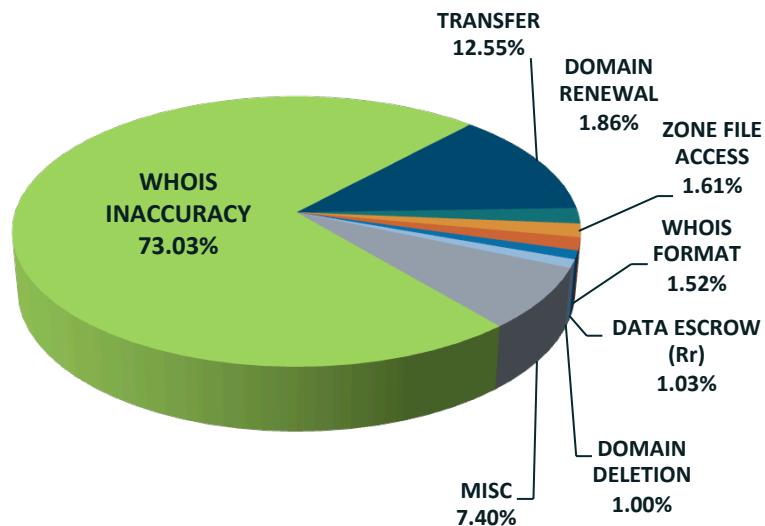


## WHOIS Inaccuracy Complaint Volume - Registrars



# Running Balance Scorecard (January – May 2015)

## Complaint Distribution



Registrar/Registry Turnaround Time	(in days)
Avg TAT 1st Notice	11.6
Avg TAT 2nd Notice	6.5
Avg TAT 3rd Notice	7.2
CC Staff Turnaround Time	(in days)
Avg TAT Open-1st Notice	1.4
Avg TAT 2nd Notice	3.0
Avg TAT 3rd Notice	3.3
Avg TAT Received-Closed	10.5

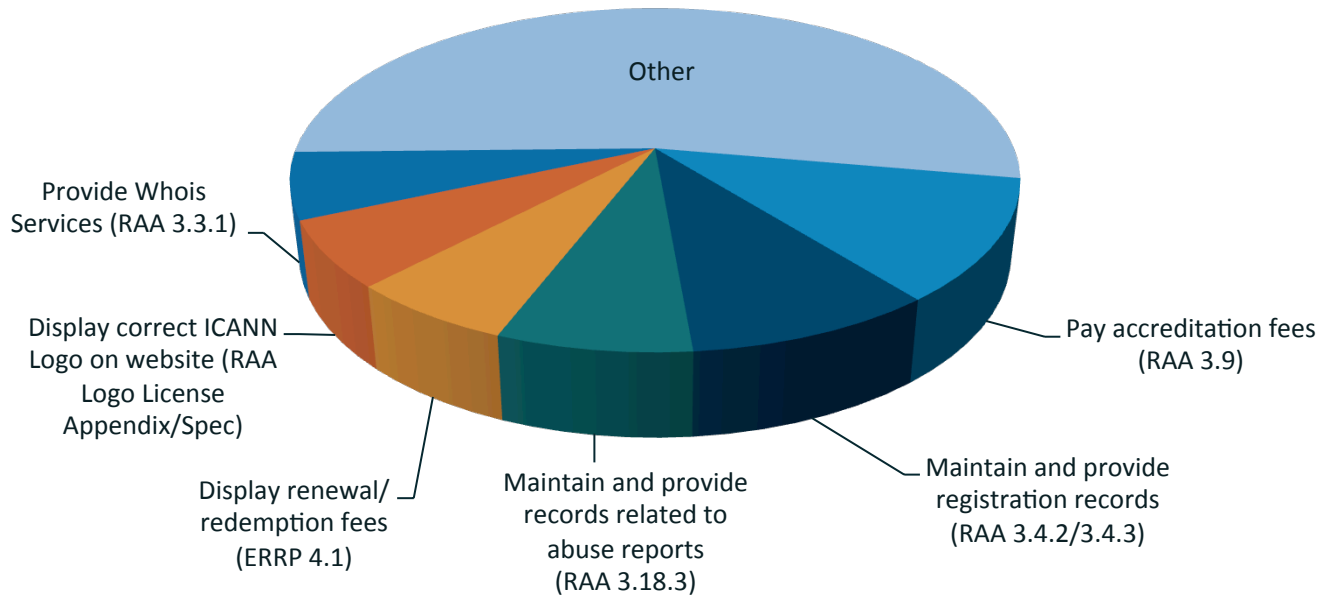
	New Complaints	Sub-total
REGISTRAR	18,490	
REGISTRY	927	
<b>Total New Complaints Received</b>		<b>19,417</b>
<b>Total Prior Month Carryover</b>		<b>8,500</b>
<b>Total Complaints Received</b>		<b>27,917</b>
	Complaints Closed	
Volume Closed Before 1st Notice	8,142	
Volume Closed Before 2nd Notice	9,267	
Volume Closed Before 3rd Notice	1,090	
Volume Closed Before Enforcement	177	
Volume Closed After Enforcement*	72	
<b>Total Closed</b>		<b>18,748</b>
	Complaints Open (Carryover)	
Volume Open Before 1st Notice Sent	3,060	
Volume Open in 1st Notice Sent	5,417	
Volume Open in 2nd Notice Sent	525	
Volume Open in 3rd Notice Sent	120	
Volume Open After Enforcement	47	
<b>Total Remaining Open (Carryover)</b>		<b>9,169</b>
<b>Carryover at end of period</b>	<b>2,717</b>	<b>2,717</b>
	Formal Notices	
Volume Breach	21	
Volume Contract Non-Renewal	0	
Volume Suspension	4	
Volume Termination	4	

\*A single breach may contain multiple complaints



# Formal Notice Activity (January – May 2015)

## Breach Notice Reasons



Notices	Qty
Breach	21
Non-Renewal	0
Suspension	4
Termination	4

Breach Notice Reason	Qty
Breach Notice Reasons	191
• Cured	98
• Not Cured	93

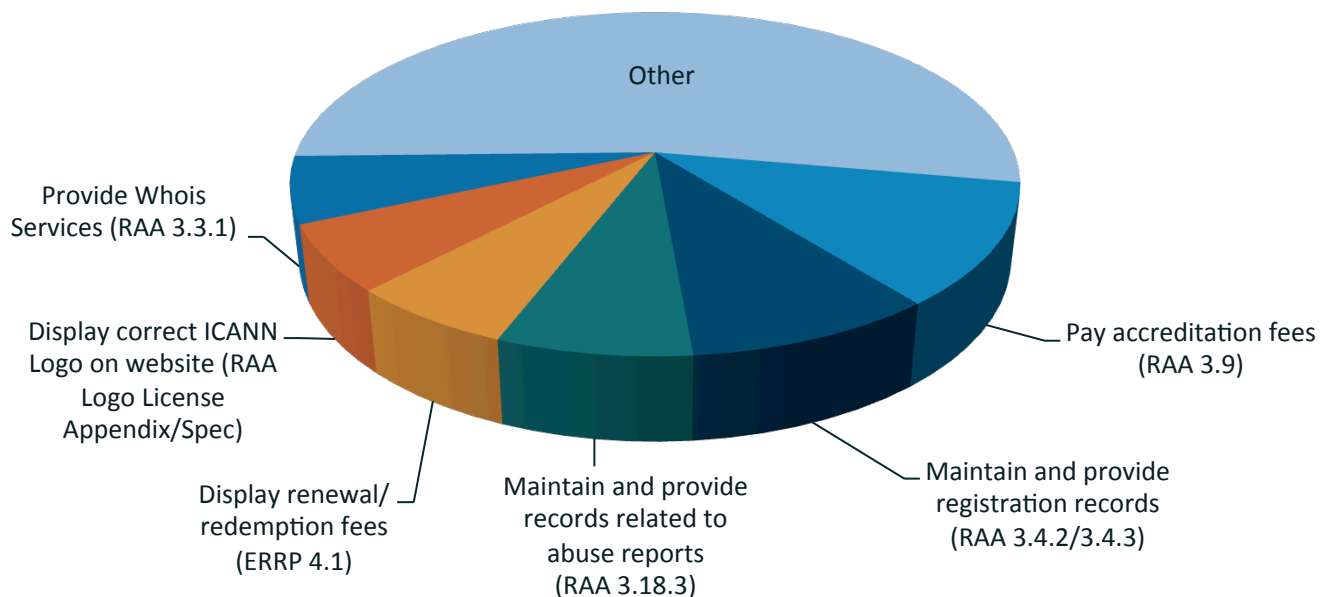
## Formal Notice Reasons

## Distribution

Pay accreditation fees (RAA 3.9)	11 %
Maintain and provide registration records (RAA 3.4.2/3.4.3)	9 %
Maintain and provide records related to abuse reports (RAA 3.18.3)	7 %
Display renewal/redemption fees (ERRP 4.1)	6 %
Display correct ICANN Logo on website (RAA Logo License Appendix/Specification)	6 %
Provide Whois Services (RAA 3.3.1)	6 %
Other	53 %

# Formal Notice Activity (Jan – May 2015)

## Breach Notice Reasons



Notices	Qty
Breach	21
Non-Renewal	0
Suspension	4
Termination	4

Breach Notice Reason	Qty
Breach Notice Reasons	191
• Cured	152
• Not Cured	39

(as of May 31<sup>st</sup>)

## Formal Notice Reasons

## Distribution

Pay accreditation fees (RAA 3.9)	11 %
Maintain and provide registration records (RAA 3.4.2/3.4.3)	9 %
Maintain and provide records related to abuse reports (RAA 3.18.3)	7 %
Display renewal/redemption fees (ERRP 4.1)	6 %
Display correct ICANN Logo on website (RAA Logo License Appendix/Specification)	6 %
Provide Whois Services (RAA 3.3.1)	6 %
Other	53 %

A world map where the continents are defined by a network of white dots and lines, resembling a social or data network. The background is a solid dark blue color. The text "Process Guidelines and Clarifications" is centered over the map in a white, bold, sans-serif font.

# Process Guidelines and Clarifications

# Informal Resolution Process Guidelines

## Notice

- Sent regarding an alleged area of noncompliance
- Proactive compliance monitoring (if above applies)
- Complaint from third party (upon validation)

Note: Subject line will indicate whether Notice or Inquiry

VS

## Inquiry

- Information gathering is required
- No known compliance violation
- Proactive compliance monitoring effort (if above applies)

Note: Non-response to Inquiry may result in a Notice

Escalated compliance notices apply to compliance matters that:

- ⦿ Require immediate resolution
- ⦿ Are a repeat of a matter that was claimed to be previously cured
- ⦿ Are grounds for termination (e.g., insolvency, conviction, stability issue)

# Informal Resolution Process – Clarifications

- ⦿ Deadlines are generated on UTC time
- ⦿ Due dates advance at 00:00 UTC
- ⦿ Staff processing across 3 global hubs
  - ⦿ Notices or inquiries sent on same day may have different deadlines



# Informal Resolution Process – Clarifications

NOTE: Early response allows for follow up and collaboration

- ⦿ ICANN will generally send a follow up for:
  - ⦿ Insufficient response received before due date and time remains
  - ⦿ Insufficient response received early and ICANN review/response past due date
  - ⦿ Extension requested by contracted party by due date (with reason)
  - ⦿ Clarification requested by contracted party before due date
- ⦿ ICANN will advance to next phase for:
  - ⦿ No response from contracted party
  - ⦿ Insufficient response received near or on due date



# Informal Resolution Process – Contacts

ICANN staff uses various contacts in the informal resolution process

- ◉ Registrars: 1-2-3 notices sent to designated email contacts depending on complaint type; primary contact is also copied on 3rd notice and sent 3rd notice fax
- ◉ Registries: 1-2-3 notices and 3rd notice fax sent to compliance contact; primary contact and legal notice contact also copied on 3rd notice
- ◉ Reminder calls are made to contracted parties after 2nd and 3rd notices (if response is insufficient)
  - ◉ Primary contact for registrars and compliance contact for registries
  - ◉ Telephone numbers are encouraged to be direct lines (rather than general customer service lines), with voicemail

A world map where the continents are defined by a network of white dots and connecting lines, set against a teal background. The dots vary in size, and the lines are thin and light-colored.

# **Additional RAA Guidelines & Reference**

-

# 2013 RAA: Privacy/Proxy Services

## Section 3.4.1.5 and Specification on Privacy and Proxy Registrations

- ◉ Privacy service: shows actual registrant's name, but alternative contact information
- ◉ Proxy service: is the registrant and licenses domain to beneficial user
- ◉ Whois data for these registrations must be reliable and accurate
  - ◉ Registrant must be contactable for both privacy and proxy services
- ◉ Registrar must verify/validate Whois data as required by 2013 RAA
- ◉ Underlying Whois info must be included in data escrow deposits

# 2013 RAA: Registrar Information Specification

## Section 3.17 and Registrar Information Specification

- ⦿ Registrars must provide ICANN completed RIS after execution of RAA
- ⦿ Additional website posting requirements (contact information, officer information and parent entity)
- ⦿ Most common issues:
  - ⦿ Not providing supporting documentation per RIS Section 6 demonstrating good standing
  - ⦿ Providing incomplete information
  - ⦿ Not publishing required data on website

## Section 3.12

- ⦿ Resellers may cause registrar to breach RAA
- ⦿ Registrar must use efforts to ensure reseller compliance
- ⦿ ICANN may review registrar/reseller written agreement
- ⦿ Resellers may not use ICANN-accredited logo
- ⦿ Resellers must identify registrar upon request
- ⦿ Resellers must abide by Privacy/Proxy Specification and Consensus Policies

# 2013 RAA: Domain Deletion

## Whois Accuracy Program Specification

- ⦿ ICANN's review includes check for whether domain was deleted or suspended in cases of registrant's:
  - ⦿ Non-response within 15 days of registrar's Whois inquiry
  - ⦿ Willful provision of inaccurate or unreliable contact information
  - ⦿ Willful failure to update information within 7 days of change
- ⦿ If registrar demonstrates compliance, ICANN will notify complainant to contact registrar regarding reactivation



## Section 3.7.11

- ⦿ ICANN requests could include, for example:
  - ⦿ Copy of customer service handling process
  - ⦿ Link to customer service handling process on website
  - ⦿ Written communications with RNH regarding notification of customer service handling process

# 2013 RAA: DNSSEC, IPv6 and IDN

## Section 3.19 and Additional Registrar Operation Specification

- ⦿ DNSSEC:
  - ⦿ Must allow customers to use DNSSEC upon request
  - ⦿ All requests shall be transmitted to registries using the EPP extensions in RFC 5910 or its successors
- ⦿ IPv6:
  - ⦿ If registrar offers nameserver specification by customer, IPv6 must be allowed
- ⦿ Internationalized Domain Names:
  - ⦿ Compliance with Additional Registrar Operation Specification

## Section 3.20

- ⦿ Registrar required to provide ICANN notice of these events
- ⦿ ICANN review could include requesting:
  - ⦿ Proof of bankruptcy proceeding or conviction
  - ⦿ Detailed description of breach (breach itself is not noncompliance)
    - ⦿ How it occurred
    - ⦿ Number of registrants affected
    - ⦿ Any action taken in response

# 2013 RAA: Registrant Rights and Responsibilities

## Sections 3.7.10 and 3.16

- ⦿ Registrar must publish or provide a link to the Registrants' Benefits and Responsibilities Specification (attached to RAA) on its website (Section 3.7.10)
- ⦿ Registrar must provide a link to ICANN's registrant educational information (Section 3.16) on its website
- ⦿ ICANN review could include requests, for example, of:
  - ⦿ Website URLs
  - ⦿ Screenshots

# 2013 RAA: Data Retention Waiver

## Data Retention Specification

- ⦿ Registrars may retain for shorter period or provide fewer records per Data Retention Waiver
  - ⦿ Waiver is based on legal opinion or government ruling that retention violates applicable law
  - ⦿ Limited to specific terms and conditions of retention requirements
    - ⦿ Example: waiver changing post-sponsorship retention period from 2 years to 1 year
- ⦿ Registrars in same jurisdiction as already-approved registrar may request similar treatment
- ⦿ ICANN must approve waiver before registrar can deviate from retention obligations

## Section 3.3

- ⦿ Registrars are required to provide public access to contact details for each domain via Port 43 and the web
  - ⦿ 2013 RAA only: Port 43 Whois access is required for “thin” registries only
- ⦿ 2013 RAA only: additional Whois Service Level Agreement (SLA) requirements in Section 2 of the Registration Data Directory Service (Whois) Specification



# 2009/2013 RAA: Other Web Posting Obligations

Some of the other registrar web posting obligations include:

- ⦿ Publishing valid contact details including email and mailing addresses
  - ⦿ 2009 RAA Section 3.16
  - ⦿ 2013 RAA Section 3.17
- ⦿ If the ICANN-accredited registrar logo is used, it must conform to the one in the RAA
  - ⦿ 2009 RAA Logo License Appendix
  - ⦿ 2013 RAA Logo License Specification



## Section 3.6

- ⦿ Registrars with registered domains are required to deposit registration data into escrow
- ⦿ ICANN monitors the data deposits to ensure that they:
  - ⦿ Are made on schedule (daily/weekly)
  - ⦿ Correspond to each registrar's requirements (full deposit only vs. full and incremental deposits)
  - ⦿ Are valid in format and completeness
- ⦿ Manual data escrow audits are performed upon request

# 2009/2013 RAA: Data Escrow – Common Errors

## Common errors with registrar data escrow deposits

- ⦿ Data in deposit does not match Whois lookup
- ⦿ Whois lookup blocked
- ⦿ Incomplete header row (missing ICANN required fields)
- ⦿ Deposit file is empty or only contains a header row
- ⦿ Deposit file name is incorrect
- ⦿ Handle file (if required) is missing from the deposit
- ⦿ Not comma de-limited
- ⦿ Full file and Handle file contains no header row

# 2009/2013 RAA: Accreditation Fees

## Section 3.9

- ⦿ Registrars are required to pay ICANN yearly and variable accreditation fees.
- ⦿ ICANN requests could include, for example:
  - ⦿ Immediate payment (no extensions for past due fees)
  - ⦿ Reply to compliance notice upon payment
  - ⦿ Emailing/CC to [accounting@icann.org](mailto:accounting@icann.org) upon payment
- ⦿ Ensure reply with credit card authorization form does not exceed 4 MB size  
<https://www.icann.org/en/system/files/files/credit.pdf>

# 2009/2013 RAA: Registration Data and Records

## Sections 3.4.2 and 3.4.3

- ⦿ Registrars are:
  - ⦿ Required to maintain and provide registration data and records of written communications
  - ⦿ Responsible for maintaining data and documents and providing them to ICANN regardless of the business model (reseller)

Note: not responding to ICANN compliance notices is commonly a violation of these requirements

# 2009/2013 RAA: Registration Agreement

## Section 3.7.7

- ⦿ Agreement should include all provisions of Section 3.7.7:
  - ⦿ The same or equivalent language provided in Sections 3.7.1.1-12 must be included in registration agreements
- ⦿ Agreement must be with a person or legal entity other than the registrar unless the registrar is using the domain for Registrar Services



# 2009/2013 RAA: Registrar Contact Data

## 2009 RAA Section 5.11 and 2013 RAA Section 7.6

- ⦿ Registrars must have a point of contact where compliance communications, notices and enforcement are sent
  - ⦿ Keep contact information in ICANN's Registrar Database (RADAR) up to date
  - ⦿ To update Primary Contact, download and complete the form at <https://www.icann.org/en/system/files/files/primary-contact-update-form-en.pdf> and fax it to ICANN at +1.3108238649
  - ⦿ Send contact data questions to [radaradmin@icann.org](mailto:radaradmin@icann.org)

1

## **2013 RAA**

<https://www.icann.org/resources/pages/approved-with-specs-2013-09-17-en>

2

## **2009/2013 RAA redline**

<https://www.icann.org/en/system/files/files/approved-with-specs-21may09-redline-27jun13-en.pdf>

3

## **2013 RAA FAQ (includes links to four webinars)**

<https://www.icann.org/resources/pages/faqs-2013-11-26-en>