Internet Corporation for Assigned Names and Numbers Contractual Compliance Update

July – September 2017

ICANN

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[1] This update is provided for information purposes only. Please do not rely on the information contained within this update to make conclusions or business decisions.

GENERAL UPDATE

In July and August 2017, the Contractual Compliance team in partnership with the Global Domains Division team conducted outreach activity in China, Korea, and Turkey. They worked directly with the contracted parties on ICANN compliance related matters. Additional information is available here.

CONTRACTUAL COMPLIANCE INITIATIVES AND IMPROVEMENTS

Enhanced Transparency in Compliance Reporting

Over the past few months, the team has been developing and testing changes to provide more detailed information on the subject matter of complaints in the ICANN publicly available compliance reports on ICANN.org. This is the first phase of multiple reporting changes and is consistent with the various recommendations and requests from the Competition, Consumer Choice, and Consumer Trust Review Team, the Governmental Advisory Committee, and other stakeholders.

Some of the changes include:
1. Improvements to the monthly dashboard to bring additional metrics on:
   a. WHOIS Inaccuracy complaints - by identifying the inaccuracy type such as syntax, operability, and/or identity.
   b. Registrar-related DNS abuse complaints - by identifying the type of abuse including spam, pharming, phishing, malware, botnets, counterfeiting, pharmaceutical, fraudulent and deceptive practices, trademark or copyright infringement, and missing or invalid registrar abuse contact information.
2. Creation of two new categories of reporting - quarterly and annual metrics reports. The quarterly reports are intended to bring a regular cadence to reporting and replace the metrics provided at the Annual General Meeting and the Community Forum. The new annual reports are intended to provide a calendar year view into the ICANN Contractual Compliance landscape. The reports will provide additional metrics, such as:
   a. All complaint types by legacy gTLDs and new gTLDs.
   b. All complaints as they evolve through the compliance process, from ticket receipt to closure.
   c. Enforcement related reports.

This phase of reporting changes is planned to launch mid-October 2017. Next, the team plans to develop additional reports which will provide detailed information related to safeguard complaints.

For metrics and dashboards, please refer to the ICANN Contractual Compliance Performance Measurement & Reporting page.

System Update

During this period, the ICANN Contractual Compliance team's complaint processing system went live with these functional improvements:

- Updates to closure codes and reasons to improve clarity by providing additional information to the reporters.
- Updates on reporter and contracted templates to improve communications related to multiple complaint types.
- Updates to web form and validation of web form data to help reduce the number of invalid complaints and auto-closure of complaints due to reporter confusion in completing the web form.
- Ability to capture more granularity about GAC Category 1 gTLDs and complaints filed under the Public Interest Commitment Dispute Resolution Procedure.
- Updates to WHOIS look-up functionality to account for changes to WHOIS output driven by the implementation of the Registry Registration Data Directory Services Consistent Labeling and Display Policy.
- Updates to account for the launch of the Naming Services portal and the migration of registry data from the Global Domains Division portal.

Participation in ICANN Policy Development Process

During this quarter, ICANN's Contractual Compliance team continued to participate in the Policy Development Process (PDP) working groups and reviews. These efforts focused mostly on:
- Thick WHOIS.
- Privacy/Proxy Services Accreditation Implementation.
- Competition, Consumer Trust, and Consumer Choice Review.
- New Generic Top-Level Domain (gTLD) Subsequent Procedures.
- Translation and Transliteration of contact information.
- Protection of IGO and INGO Identifiers in all gTLD implementation.

Registry Registration Data Directory Services Consistent Labeling and Display Policy Now Effective
As of 1 August 2017, the Registry Registration Data Directory Services Consistent Labeling and Display Policy is effective, related information can be found here. Registry operators and registrars are required to implement the data specifications defined in the policy. Since the policy's implementation, ICANN Contractual Compliance has processed a limited number of complaints related to contracted parties' noncompliance with the policy.

Registrar Update

Lost Domain Names
Contractual Compliance added links to the lost domains page in compliance complaint forms and learn more pages, in an effort to better educate end users regarding what registrants can do if they have lost the ability to manage their domain names.

Registry Update

Processing of Compliance Matters Related to Registry Operators
During this quarter, ICANN Contractual Compliance continued to process a limited number of complaints regarding failure of registry operators to inform and, where applicable, seek ICANN's approval of new or materially changed registry services prior to their implementation. To mitigate the risk of a negative impact to the security and stability of the DNS, ICANN requires the review of additional services in advance of their implementation through the Registry

Services Evaluation Policy (RSEP). Registry operators are encouraged to reach out to their assigned Engagement Manager or email globalsupport@icann.org to determine whether a service or contemplated change to a service requires ICANN's approval. Implementation of unapproved services prior to contacting ICANN may result in a compliance inquiry or notice.

ICANN's Contractual Compliance issued two enforcement notices this quarter against new gTLD registry operators. Both registry operators are operating Brand gTLDs. Enforcement notices are published here.

Approval of Global Amendment to Base New gTLD Registry Agreement
On 31 July 2017, the global amendment to the Base New gTLD Registry Agreement became effective for registry operators subject to the amendment. Registry agreements executed after 31 July 2017 also include the updated language. Details regarding the amendment, including a Frequently Asked Questions (FAQ) document, can be found here. ICANN Contractual Compliance is enforcing the amendments where applicable.

AUDIT PROGRAM UPDATE

The Contractual Compliance Audit Program is ongoing. Typically, ICANN conducts two rounds of audits a year for registrars and two for registries. An update for each type of audit is provided below.

Registrar Accreditation Agreement Audit

On 18 September 2017, the Audit team sent audit notifications, which included requests for information to 59 registrars. Twenty-six are under full-scale compliance audit and thirty-three are subjects of a limited-scale review, intended to verify the remediation effectiveness of previously noted deficiencies.

Registry Accreditation Agreement Audit

The previous round of registry audit was completed and the consolidated report is published here.

1. A new round of Registry audit was initiated on 5 September 2017; audit notification and request for Information was sent to 10 registries. The audit in this round is inclusive of TLDs that are subject to safeguards applicable to Category 1 gTLDs (consumer protection, sensitive strings, and regulated markets). As of the end of September, a majority of auditees have responded providing the requested information.

Pre-Audit Notification to Contractual Parties

Effective 31 July 2017, Contractual Compliance stopped sending the pre-audit notifications to all contracted parties to avoid confusion and reduce emails. However, based on recent feedback, the pre-audit notification will resume for future audits and will only go out to the contracted parties in scope of the audit to allow for resource planning.

Data Escrow Update

As part of ongoing proactive monitoring and at the ICANN organization's request, Iron Mountain performed in-depth reviews of registrars' escrow file contents. ICANN focused on registrars that received a third notice or a notice of breach during this period. This review is critical to ensure the stability of registrant data.

COMPLAINTS HANDLING AND ENFORCEMENT SUMMARY

Effective now, the ICANN Contractual Compliance quarterly metrics will be available on the Compliance Performance Reports page.