ICANN 67

COMMUNITY FORUM

CANCÚN

7–12 March 2020

Program Update

ICANN Contractual Compliance

ICANN67 Prep Week
19 February 2020

Agenda

- Update since ICANN 66 (November 2019)
  - Enforcement Actions Overview and Outreach Activities
  - Registrar and Registry Compliance Update
  - Contractual Compliance Audit Update

- Questions and Answers

- Appendix for your reference: Policy Efforts

Enforcement Actions Overview and Outreach Activities

⊙ ICANN Contractual Compliance ("Compliance") enforces the policies developed by the community and incorporated into the ICANN organization's agreements with registries and registrars, and ensures these agreements are implemented to preserve and enhance the security, stability and resiliency of the Domain Name System ("DNS").

   ⊙ Compliance undertakes enforcement actions resulting from complaints received from external users, proactive monitoring and audit-related activities.

   ⊙ Compliance participates in training and outreach sessions to increase awareness regarding contractual obligations among its contracted parties and other members of the community.

Enforcement Actions Overview and Outreach Activities

From October 2019 to January 2020, Compliance:

- ⊙ Received 7,408 new complaints:
    - ⊙ 6,881 in registrar complaint types
    - ⊙ 527 in registry operator complaint types

- ⊙ Closed 5,261 complaints without contacting registrar or registry operator.
    - ⊙ Educated complainants on ICANN's scope and provided alternatives.
    - ⊙ Examples include where complainant:
        - ⊙ Did not respond to ICANN's request for evidence
        - ⊙ Complained about domain registered in ccTLD
        - ⊙ Misunderstood ICANN's role and authority
        - ⊙ Submitted duplicate complaint before resolution of original complaint
        - ⊙ Submitted complaint about an issue already resolved at the time the complaint was reviewed (e.g., domain subject to WHOIS inaccuracy complaint already suspended; access to zone file already approved)

Note: closure reasons by complaint type are available at Metrics and Dashboards

Enforcement Actions Overview and Outreach Activities

From October 2019 to January 2020, Compliance sent:

⊙ **1,685 notifications to contracted parties (reported by 1st/2nd/3rd): 1,245 / 368 / 72**
Top 3 complaints types (in volume) for which contracted parties were contacted during this time period:

Addressing Registrars' obligations related to:	1st notifications	Addressing Registry Operators' obligations related to:	1st notifications
The accuracy of the WHOIS data associated with domain names	367	Zone file access requests	153
Other obligations with no specific complaint type (e.g., RDAP)	280	Other obligations with no specific complaint type (e.g., RDAP)	12
Abuse reports handling	190	Submit monthly transaction and activity reports to ICANN	7
Addressing Registrars' obligations related to:	2nd notifications	Addressing Registry Operators' obligations related to:	2nd notifications
Other obligations with no specific complaint type (e.g., RDAP)	161	Zone file access requests	22
The accuracy of the WHOIS data associated with domain names	62	Other obligations with no specific complaint type (e.g., RDAP)	8
Abuse reports handling	52	Annual Certification of Compliance with Spec 13 // Escrowing data	2 // 2
Addressing Registrars' obligations related to:	3rd notifications	Addressing Registry Operators' obligations related to:	3rd notifications
Other obligations with no specific complaint type (e.g., RDAP)	39	Zone file access requests	5
The accuracy of the WHOIS data associated with domain names	11	Payment of Registry-Level fees	1
Inter-registrar and/or inter-registrant domain name transfers	6	Other obligations with no specific complaint type (e.g., RDAP)	1

The word "notifications" refers to notices and inquiries. Numbers above do not include communications in between notifications sent to request clarification or additional evidence following a contracted party's response. This chart does not reflect all complaint types for which Compliance sent notifications but the top 3 in volume only.

⊙ 1,019 closures to registrars and 527 to registry operators
⊙ One registrar notice of termination

Note: approach and process followed to address these complaints is explained here.
Details of all formal enforcement notices and status are available here.

Enforcement Actions Overview and Outreach Activities

Since ICANN66, Compliance participated in these events:

- Registrar Stakeholder Group and Compliance conference call (4 Dec 2019). Continued discussions surrounding topics brought forward during the closed session in ICANN66. Topics concerned Compliance's enforcement of ICANN policies and agreements.

- [UADOm 2019 Conference](#) in Kiev, Ukraine (6 Dec 2019), organized by the local ccTLD. Compliance conducted a session for local registrars to share difficulties encountered by domain name holders that relate to registrars' obligations under ICANN policies and agreements. Session was conducted in Russian.

- [ICANN66 Readout Session](#) in Istanbul, Turkey (27 Jan 2020), hosted by ICANN, Istanbul Bilgi University IT Law Institute, and Sahibinden.com. Compliance participated in several sessions and addressed questions related to RDAP, DNS Abuse and the Temporary Specification, as well as questions specific to volume of complaints received by the Compliance function and the process followed to address them. Sessions were conducted in Turkish.

Note: to learn more about past activities, visit Outreach page at this [link.](#)

Registrar and Registry Compliance Update

1

RDAP Compliance
Enforcement of 26 August 2019 Registration Data Access Protocol (RDAP) service requirement

2

Annual Certifications of Compliance
Enforcement of registrars' and registry operators' requirement to submit Annual Certifications of Compliance by 20 January 2020

3

Temporary Specification and Compliance
Enforcement of Temporary Specification via the Interim Registration Data Policy

RDAP Implementation and Compliance

RDAP service implementation and compliance monitoring

- ◉ Implementation of a Registration Data Access Protocol (RDAP) service required by 26 August 2019 with recommended February 2019 gTLD RDAP Profile.

- ◉ Registry operators to:
    - ◉ Register their RDAP base URL with IANA using the Root Zone Management System.
    - ◉ Provide the registrar's RDAP URL, when defined, in response to domain name queries.

- ◉ To enable easier access for registry operators to find a registrar's RDAP URL, ICANN created a central repository of registrar RDAP base URLs, which can be found here: https://www.iana.org/assignments/registrar-ids.

- ◉ The registrar's RDAP URL found in the central repository is captured from self-service entries provided through the Naming Services portal (NSp).

Note: ICANN's RDAP overview may be found at https://www.icann.org/rdap.

RDAP Implementation and Compliance

From October 2019 to January 2020, Compliance:

- ⊙ Sent notifications to 291 registrars and 15 registry operators with respect to the implementation of RDAP service and base URLs:

  - ⊙ 224 registrars uploaded their URL to NSp

  - ⊙ 12 registries registered their URL with IANA

- ⊙ Continued to collaborate with contracted parties that have not implemented RDAP yet but presented remediation measures to become compliant. These contracted parties provide regular updates to Compliance on the progress towards implementation.

To date, Compliance has received no third-party complaints concerning RDAP.

There has been no indication that any registrars or registry operators have ceased to operate WHOIS services.

Annual Certifications of Compliance

In February 2020, Compliance:

- ⊙ Started working on the referrals received from ICANN's Global Domains Division involving registrars that had failed to provide to ICANN, by 20 January 2020, the 2019 annual certificate certifying compliance with the terms and conditions of the registrar's RAA.

Note: additional information about this requirement is available here

- ⊙ Started the review of registry operators' submissions of Annual Certifications of Compliance with Registry Operator Code of Conduct, with Code of Conduct Notice of Exemption, and with Specification 13 and contacting registry operators with missing or incomplete Certifications.

Note: additional information about this requirement is available here.

Implementation of Temporary Specification

Interim Registration Data Policy and Temporary Specification Compliance

⊙ Interim Registration Data Policy for gTLDs, effective 20 May 2019, requires continued implementation of measures consistent with Temporary Specification for gTLD Registration Data ("Temporary Specification").

⊙ Following implementation of Temporary Specification, Compliance adjusted its review of complaints to account for changes in display of Registration Data in Registration Directory Data System ("RDDS"), for example:
  - ⊙ Requesting additional data from reporters where necessary to validate complaint.
  - ⊙ Requesting Registration Data from contracted parties as required for compliance review.
  - ⊙ Educating reporters regarding Temporary Specification requirements and changes to existing agreements and policies.

Enforcement of Temporary Specification

From October 2019 to January 2020, Compliance processed:

- ⊙ Four new inquiries concerning requests for access to non-public Registration Data (Section 4.1 of Appendix A). The contracted parties' explanation of their processes and the actions taken, or that will be taken, on each complaint is under review.

- ⊙ One new inquiry concerning the provision of the opportunity for the Registered Name Holder to provide consent to publish registrant contact information (Section 7.2). This inquiry was closed because the registrar demonstrated it has a mechanism in place for registrants to consent to publication.

- ⊙ Six new inquiries concerning the display of Registration Data in RDDS (Sections 2.2-2.6 Appendix A). Three of these were closed, as the registrars remediated areas of non-compliance, while Compliance continues to process the others.

- ⊙ One new inquiry concerning access to Registration Data by UDRP provider (Appendix E). Upon receiving Compliance's notification, contracted party presented corrective/preventive measures, and inquiry was closed.

Enforcement of Temporary Specification

Since ICANN66, Compliance has:

- Continued addressing certain previously submitted cases currently under remediation or pending further response and collaboration, which included closure of five additional notices/inquiries after the registrars demonstrated compliance.

- Continued educating complainants on Temporary Specification requirements where complainants believe Registration Data is "missing" from public WHOIS, privacy/proxy service data are redactions, or that all non-European data should be displayed, etc.

- Adjusted processes to conform to Board Resolution (2020.01.26.02) which instructs enforcement of the Gaining Registrar FOA requirement be deferred until the matter is settled in the GNSO Council's planned Transfer Policy review.

- Prepared clarifying language to add to page through which complaints are submitted to assist complainants with locating form to use for complaints regarding access to non-public Registration Data under Section 4.1 Appendix A. Note: ICANN66 Governmental Advisory Committee Communiqué.
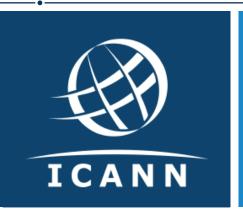
Contractual Compliance Audit Program Update

⊙ Following the completion of the registry operator audit focused on DNS security threats conducted from November 2018 through June 2019 (report available here), ICANN Compliance is developing the approach and gathering information to launch a registrar audit also focused on DNS security threats.

Questions & Answers

Send compliance questions
To: compliance@icann.org

Subject line: ICANN67 Prep Week Compliance Update

The ICANN67 presentation will be available at:

- The ICANN Contractual Compliance outreach page at
  https://www.icann.org/resources/compliance/outreach

- The ICANN67 Prep Week page at
  https://meetings.icann.org/en/cancun67-prep-week

Policy and Working Group Efforts

Continued ongoing efforts pertaining to Registrar and Registry related policies, Working Groups and Implementation Review Teams; examples:

- ⊙ Expedited Policy Development Process on Temporary Specification for gTLD Registration Data
- ⊙ Competition, Consumer Trust & Consumer Choice
- ⊙ RDS Review
- ⊙ Security, Stability and Resiliency Review Team
- ⊙ Red Cross & Red Crescent Reserved Names Update

Contractual Compliance Reporting

- Performance reports and input are published at
  https://features.icann.org/compliance

- Other reports and blogs are published at
  https://www.icann.org/resources/pages/compliance-reports-2019