Contractual Compliance

Registrar Stakeholder Group Meeting

Tuesday, 16 July 2013

ICANN
AT-LARGE

DURBAN

NO.47 · 14-18 JULY 2013 ICANN

Agenda Topics

- Brief Update
  - Audit Program Update
  - Operational Accomplishments
  - Metrics
  - Compliance Initiatives
    - Bulk
    - ERRP
    - 2013 RAA

- Q & A

Year-1 Audit Program Completed

➢ Launched 13 November 2012

➢ One third (1/3) of the Registrars and Registries randomly selected and audited.

➢ Over **99%** of all Registrars collaborated with, or immediately remediated their findings if any were noted.

➢ Registries are under no explicit obligation to participate; many did in a collaborative effort to remedy any observations discovered.

➢ Published Year-One Audit Program Report at http://www.icann.org/en/resources/compliance/reports

Year-2 Audit Plan Scope and Dates

➤ Random Sample of remaining Registrars/Registries

➤ New gTLD Registries with 6 months of historical information

➤ Timeline

  ➤ Planning & Organizing Phase - mid August - November 2013;

  ➤ Pre-Audit Notice: Late October - mid November 2013

➤ Follow Compliance Process (1-2-3 Prevention Phases then Enforcement)

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Operational Accomplishments

By ICANN 47 - July 2013

- ✓ Migrated complaints from Internic to ICANN.ORG
- ✓ Full automation of compliance process (Prevention & Enforcement)
- ✓ Added Pulse Survey in complaint closure email
- ✓ Added multiple complaint submission
- ✓ Added three registry complaint types
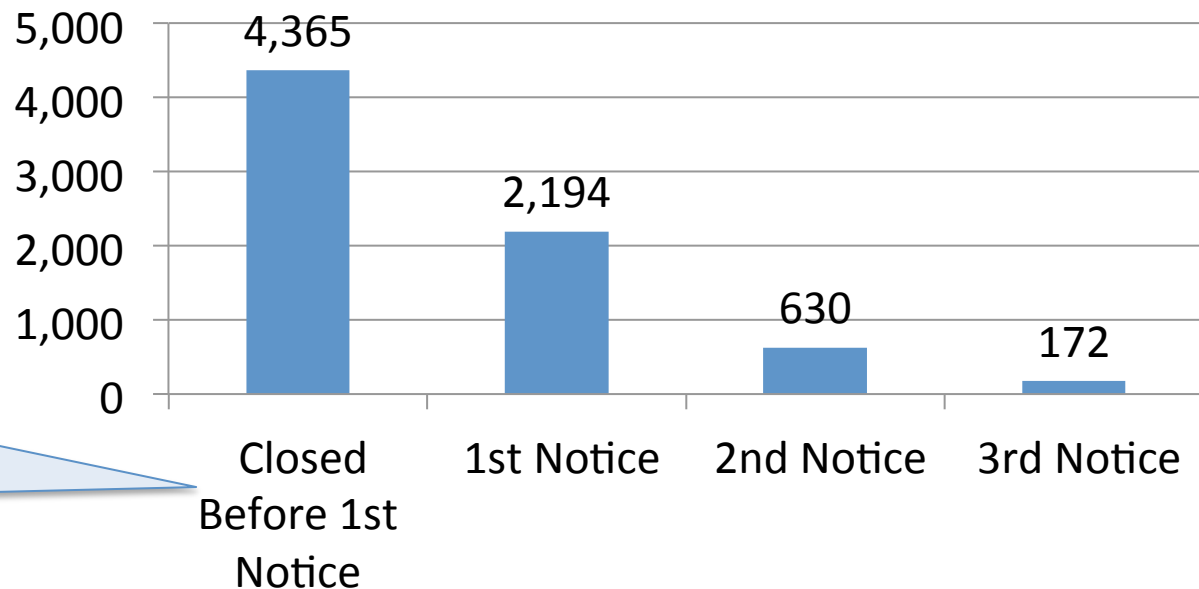- ✓ Launched Pilot Bulk Complaint submission

Contractual Compliance Complaints per Notification Cycle
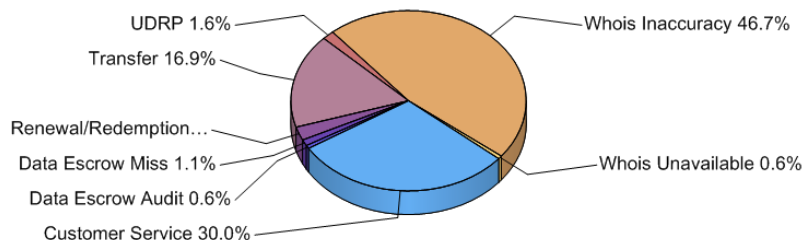## Apr 2013 – June 2013

Closure Rate 55%

Complaint Summary	Apr – Jun Total Complaints Processed	Apr – Jun Total New Complaints Received	Apr – Jun Complaints Closed	Complaints Remaining Open After June 30
	10,098	7,110	5,534	1,082

43% complaints closed before sending to Registrar

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Compliance Operations Scorecard

Complaint Count of June 2013

UDRP 1.6%
Transfer 16.9%
Renewal/Redemption…
Data Escrow Miss 1.1%
Data Escrow Audit 0.6%
Customer Service 30.0%
Whois Inaccuracy 46.7%
Whois Unavailable 0.6%

Complaint Count

Compliance - June 2013		YTD
Customer Service	568	4,368
Data Escrow Audit	11	23
Data Escrow Miss	21	44
Renewal/Redemption	46	382
Transfer	320	2,353
UDRP	31	330
Whois Inaccuracy	884	7,550
Whois Unavailable	11	58
Total	1,892	15,108
Breach	3	47
Non-Renewal	N/A	N/A
Suspended	N/A	N/A
Terminated	1	7
Total	4	54

REGISTRAR TAT

	Avg TAT 1st Notice	Avg TAT 2nd Notice	Avg TAT 3rd Notice
June 2013	11.2	12.1	5.3

CC STAFF TAT

	Avg TAT Open-1st Notice	Avg TAT 2nd WIP	Avg TAT 3rd WIP	Avg TAT Received-Closed
June 2013	1.4	2.9	5.9	7.7

Closure Rates

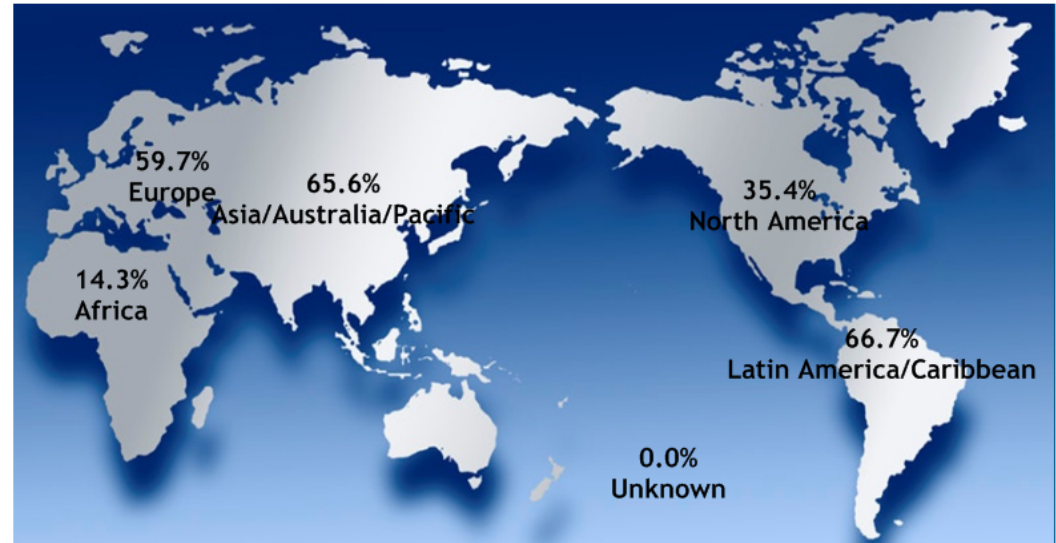|	May 2013	June 2013
Volume Received All	3,548	2,417
Volume Received Curr Month	2,475	1,892
Volume Open Carryover	642	244
Volume Closed	1,834	1,335
Closure Rate Received All (%)	51.69 %	55.23 %
Closure Rate Curr Month (%)	56.57 %	55.71 %
Closure Rate Before 1st Notice (%)	42.78 %	48.28 %
Closure Rate Before 2nd Notice (%)	4.57 %	3.81 %
Closure Rate Before 3rd Notice (%)	1.21 %	1.78 %
Closure Rate Before Enforcement WIP (%)	0.06 %	0.00 %
Open Carryover Rate (%)	18.09 %	10.10 %

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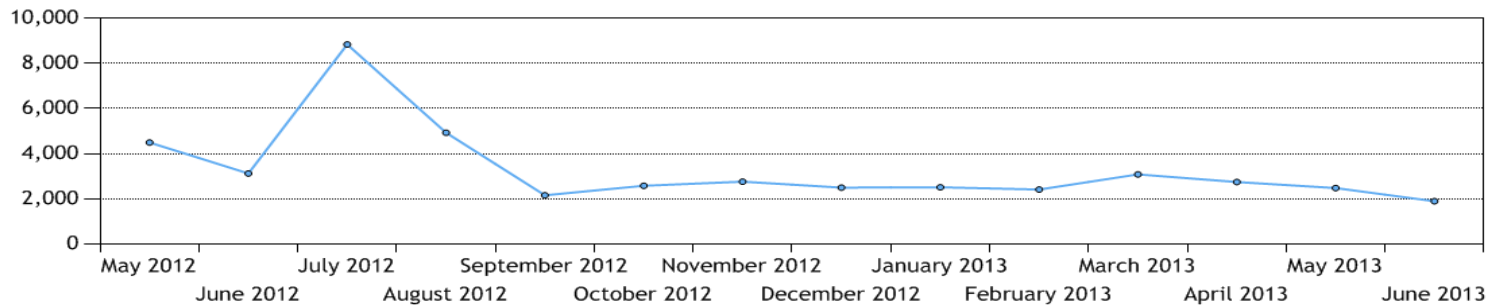# Compliance Operations Scorecard (2)

Registrar TAT Detail
Business Days/Complaint

	Avg TAT 1st Notice
Contact Update	6.0
Data Escrow Audit	5.4
Data Escrow Missed Weekly	6.0
Domain Renewal	6.0
Financial Transaction	6.2
Redemption	6.0
Registrar Contact	5.1
Transfer	5.8
UDRP	4.2
Whois Inaccuracy	17.6
Whois Unavailable	6.0

Percent Registrars with Complaints
January 2012 ... June 2013

59.7% Europe

65.6% Asia/Australia/Pacific

35.4% North America

14.3% Africa
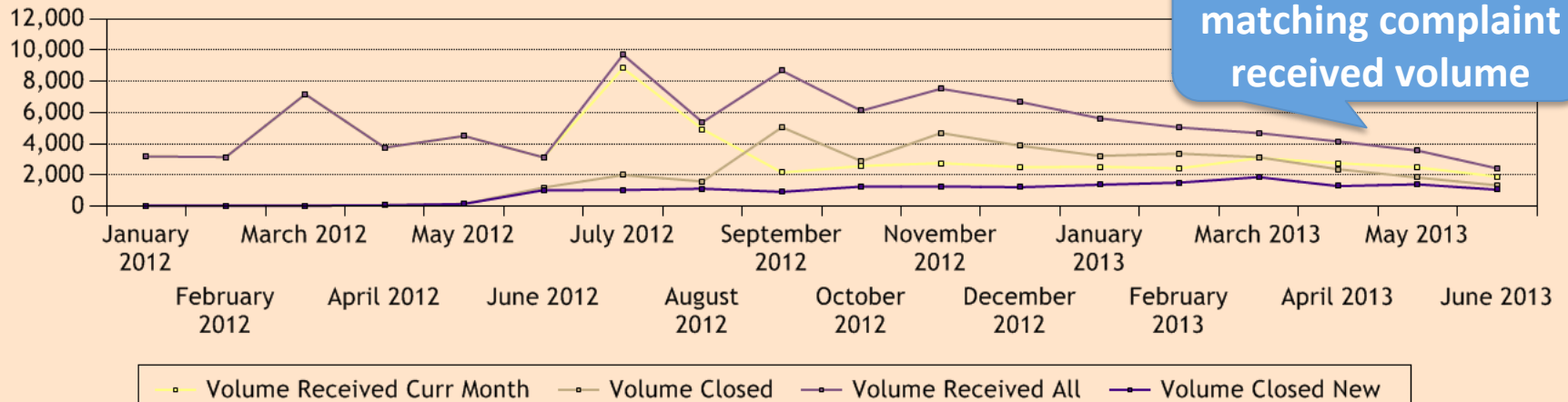
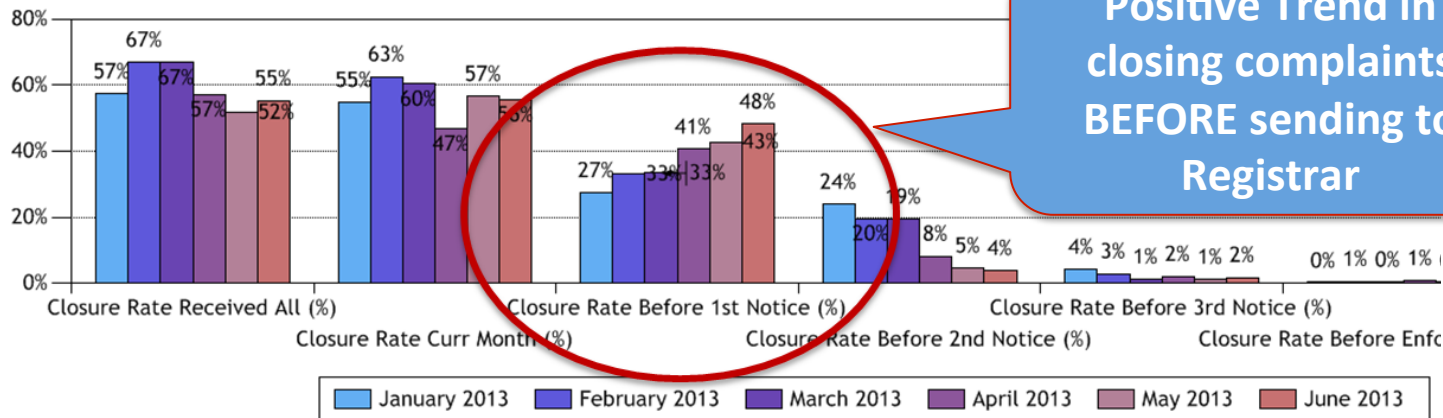66.7% Latin America/Caribbean

0.0% Unknown

Monthly New Complaint Volume

Compliance Operations Scorecard (3)

New, Processed & Closed Complaint Volume

Closure Rate matching complaint received volume

Legend: Volume Received Curr Month, Volume Closed, Volume Received All, Volume Closed New

% Rates

Positive Trend in closing complaints BEFORE sending to Registrar

Legend: January 2013, February 2013, March 2013, April 2013, May 2013, June 2013

Bulk Whois Inaccuracy Complaints

➢ 3-month pilot started 10 July 2013
➢ 3 users
  - 2 from security industry
  - 1 from brand protection industry
➢ Limited to 100 complaints per week/user
➢ Bulk complaints processed same as single complaint
➢ Review by Compliance to ensure ticket quality
➢ Abuse of bulk process will result in suspension/ revocation of bulk & single ticket Whois access
➢ ICANN to assess with all parties after pilot

Link to appendix: TERMS OF USE

Bulk Whois Inaccuracy Differences

Old Bulk	New Bulk
Separate system	Integrated within consolidated system
2 Automatic Notices	1-2-3 Notice process (with Compliance review)
Data file validation at submission only	Additional validation at ticket creation • Data file validation • Active domain status • Non-duplicate complaint check (45 days) • Valid gTLD
Outside of ticket process	Bulk tickets within same process and queue as single submission Whois inaccuracy complaints (bulk tag for identification and metrics)
No review of ticket quality	• Rejection of invalid tickets • Periodic review/audit of tickets • Outreach to submitters to improve ticket quality
No Terms of Use	Mandatory Terms of Use
No abuse penalties	Abuse penalties include suspension and revocation of access
Unlimited ticket submission	- Gradual rollout - Limited to 100 submissions per user per week to ensure quality and scalability - Submission limit will be revisited based upon performance and impact to contracted parties and ICANN
One user	Access application, training & agreeing to Terms of Use. Limited number of users.

Compliance Initiatives

- ❑ Implement [Expired Registration Recovery Policy](#), effective 31 August 2013
- ❑ Implement [2013 RAA](#) in phases; effective upon registrar signing and 1 January 2014
- ❑ Define and rollout [new Registry](#) related functions and complaint types during contracting phase, delegation phase and on-going
- ❑ Define and Implement Consumer Trust and Consumer Choice [metrics](#)

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ICANN CONSENSUS POLICIES
Expired Registration Recovery Policy (ERRP)

- Effective Date: 31 August 2013

- Purpose
  - Establish minimum communication requirements for registrars

  - Make renewal and redemption of registrations uniformly available

  - Align registrant expectations with registrar practices

- Link:
  http://www.icann.org/en/resources/registrars/consensus-policies/errp

ICANN CONSENSUS POLICY – ERRP General **Registrar** Obligations

Obligations under the EDDP remain:

-Notice to be given to each new registrant regarding registrar's auto-renewal and deletion policy

-Web posting of registrar's auto-renewal and deletion policy

ICANN CONSENSUS POLICY – ERRP General **Registrar** Obligations (2)

- Send 3 reminder notifications to Registered Name Holders (30, 5 days prior to expiration; 5 days post-expiration)

- Resolution path to be interrupted for last 8 days of Auto-Renew Grace Period (AGP)

- If renewed, resolution path to be restored immediately or as soon as reasonable

- If domains fall into Redemption Grace Period (RGP), status to be changed to 'TransferProhibited' or similar

- Must allow recovery of domains in RGP

ICANN CONSENSUS POLICY – ERRP General **Registrar** Obligations (3)

- Fees (renewal, post-expiration renewal if different, and recovery from redemption) must be displayed in website, including a link in the registration agreement

- Methods for sending renewal notifications to Registered Name Holders must be displayed in website, with link in registration agreement

- Must make sure that resellers publish registrar renewal/recovery fees, as well as methods for sending renewal notifications

ICANN CONSENSUS POLICY – ERRP General Guidelines for **Registries**

-Non-sponsored gTLDs must offer Redemption Grace Period of 30 days

-Disable resolution for domain names in redemption

-Status in registry Whois must show the domain names as being in redemption

-Must block transfer attempts of domains in redemption

ERRP Changes Summary

EDDP Requirement	New ERRP Requirement
Registrar must publish fee charged for recovery of names during RGP on website	1. Registrar must publish renewal fees, post expiration renewal fees (if different), and redemption/restore fees on website; 2. Must provide a link to fees in registration agreement; and 3. Fees must be displayed on resellers' websites.
Registrar must send 2 renewal notices prior to domain name expiration	Registrar must provide two notices of domain name expiration: 1 month prior to expiration; and 1 week prior to expiration If the name is not renewed by the registrant or deleted by the registrar within 5 days after expiration, registrar must send an additional expiration notice that includes instructions for renewal.
No Renewal Process Requirements	1. Upon expiration until the time the registrar deletes the domain name, registrant is permitted by the registrar to renew the expired registration. 2. Registrars may delete registrations any time after exp. 3. Required DNS Resolution Interruption Period established in the ERRP.
No Required Redemption Grace Period	1. Registries must offer a RGP of 30 days following the deletion of a registration, during which time the deleted registration may be restored; and 2. During RGP, registry must disable DNS resolution and prohibit transfers. 3. Registries must permit registrants to redeem deleted registrations during RGP.

2013 RAA Effective Dates

Effective Upon Registrar Signing

➢ <u>Must</u> enter into agreements with resellers (Section 3.12)
➢ Registration Data Directory Service Specification (Whois formatting)
➢ Must provide specific information to ICANN and publish on website:

1. Correspondence address for the Registrar
2. If the location or address of registrar's principal place of business is different from the correspondence address, provide details including address, phone number, fax number and email address
3. Officer(s) full name, contact information, and position
4. Name of the ultimate parent entity of the registrar, if applicable

➢ Must provide notice to ICANN in 7 days of bankruptcy, convictions and security breaches (Section 3.20)
➢ Additional Reasons for Suspension and Termination (Sections 5.5 and 5.7)
➢ CEO Certification - Due 20 January 2014 (Section 3.15)

2013 RAA Effective Dates

Effective 1 January 2014

- ➢ Abuse Contact Requirements (Section 3.18)
- ➢ Description of Customer Service Handling Process (Section 3.7.11)
- ➢ Registrars and Resellers must provide a link to Registrant Benefits and Responsibilities (Sections 3.7.10 and 3.12.7)
- ➢ Whois Accuracy Program Specification
- ➢ Data Retention Specification
- ➢ Additional Registrar Operation Specification (DNNSEC, IDNs and IPV6)
- ➢ Section 2.2 of the Registration Data Directory Service Specification RE: Whois Service Level Agreement
- ➢ Registrars and Resellers must comply with the Proxy and Privacy Registration Program established by ICANN (Sections 3.12.4 and 3.14)

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Wednesday Outreach Session

Room: Hall 3B

9:30 – 11:30 Contractual Compliance Program Update

➢ Learn more about ICANN Compliance

  http://www.icann.org/en/resources/compliance

➢ Please send general questions to **Compliance@icann.org**

Subject line: **ICANN47 Contractual Compliance**

TERMS OF USE OF ICANN CONTRACTUAL COMPLIANCE BULK WHOIS INACCURACY COMPLAINT TOOL PILOT PROGRAM

AGREEMENT BETWEEN USER AND ICANN
The ICANN Contractual Compliance Bulk Whois Complaint Submission Tool ("Bulk Tool") Pilot Program is offered to you conditioned on your acceptance without modification of the terms and conditions herein.

Please read the following terms of use and disclaimers carefully before using the Bulk Tool. By accessing or using the Bulk Tool, you agree to the terms and conditions, and all applicable laws. If you do not agree to these terms, you will not be allowed to use the Bulk Tool.

TERMS AND CONDITIONS

1. The Bulk Tool is subject to ICANN's modification and enhancements, without notice as deemed necessary.
2. The Bulk Tool may be suspended by ICANN at any time if in its discretion ICANN deems it necessary.
3. Login information for the Bulk Tool is personal to you, and must not be shared with others.

TERMS OF USE OF ICANN CONTRACTUAL COMPLIANCE BULK WHOIS INACCURACY COMPLAINT TOOL PILOT PROGRAM
(Continued)

4. Each user is limited to submitting no more than 100 Whois inaccuracy complaints through the Bulk Tool per calendar week. A calendar week starts on Sunday at 00:00 UTC. Additional submissions beyond 100 per week will be rejected. ICANN in its sole discretion may modify the submission limit with advance notice to the users and registrars.

5. Bulk submissions shall use current Whois data and may only be submitted in the data format specified by ICANN.

6. Bulk submissions shall not be used to harass ICANN, any ICANN-accredited registrar, or any domain name registrant or contact.

7. ICANN will review Bulk Tool submissions for validity, and improper tickets will be rejected by ICANN. Bulk Tool submissions must contain sufficient information to allow ICANN to validate each complaint independently. Factors to determine validity include, but are not limited to, complaint data quality and contactability (ability to reach Whois contacts).

TERMS OF USE OF ICANN CONTRACTUAL COMPLIANCE BULK WHOIS INACCURACY COMPLAINT TOOL PILOT PROGRAM
(Continued)

8. ICANN will conduct periodic reviews or audits of user's Bulk Tool submissions to: (i) determine compliance with these terms and conditions; and (ii) improve ticket validity levels. Users that do not demonstrate improvement for identified issues may have their Bulk Tool user access suspended or revoked.

9. ICANN may suspend or revoke Bulk Tool user access (either permanently or temporarily) for violations of these terms and conditions. Any suspension or revocation of Bulk Tool user access shall apply to single and multiple ("Submit another") Whois inaccuracy submissions.

10. Bulk Tool users must collaborate with ICANN to submit test data through a test Bulk Tool that conforms to these Terms of Use before being allowed to submit to production Bulk Tool.

11. Any and all information submitted to the Bulk Tool can be submitted to an ICANN-accredited Registrar or any other party that ICANN may need to notify related to a Bulk Tool submission. ICANN will not consider or treat any information submitted through the Bulk Tool as confidential

12. ICANN retains that right to revise these terms and conditions at any time without notice.

Registrar Data Escrow Compliance check
Proactive Exercise

Objective: To ensure that the data being loaded into Iron Mountain is useable and represents the appropriate Registrant Information

Scope:
- ALL Registrars depositing with Iron Mountain
- The most recent deposit
- Compliance with Data Escrow Specifications

Process:
- Conducted an automated and manual review
- Reported results to ICANN Contractual Compliance
- Followed up with each Registrar to ensure proper formatting and RDE issues are corrected