Program Update

ICANN Contractual Compliance

ICANN 60
30 October 2017
Agenda

- Brief Update Since ICANN 58
  - Registrar Compliance Update
  - Registry Compliance Update
  - Performance Measurement & Reporting Update
  - Contractual Compliance Audit Update
- Questions & Answers
- Appendix for your reference
  - Policy Update
  - Additional Audit Slides
Registrar Compliance Update
RAA Lessons Learned Summary

1. **Transfer Policy: Prior Registrant Confirmation**
   Registrar’s use of additional contact information to obtain Prior Registrant confirmation

2. **Registrar Data Escrow Obligations**
   Complying with the required Terms, Format and Schedule

3. **Reminder: Annual Certificate of Compliance**
   Complying with requirement to submit Annual Certificate of Compliance
Footnote 3 of Transfer Policy

- Complaints from registrants unable to complete Change of Registrant (COR) due to invalid registrant email address
- Registrars are denying COR for lack of Prior Registrant confirmation
- Footnote 3 allows Registrars to use additional contact information on file when obtaining Prior Registrant confirmation
  - Not limited to publicly accessible WHOIS
  - Examples: Call registrant telephone number or use alternative registrant email address on file to obtain confirmation
  - Optional; at Registrar’s discretion
- Contractual Compliance may ask Registrars if they have used any additional registrant contact information to obtain confirmation
Registry Compliance Update
RA Lessons Learned

1. Zone File Access Requirements (CZDS)
   Complying with reasons for denial of access

2. Registry Data Escrow Requirements
   Complying with Registry Operator and Data Escrow Agent notification obligations

3. ICANN Approval Prior to Implementation
   Complying with requirements for notification to and approval by ICANN of new or changed services, changes of control or MSA prior to implementation

4. Reminder: Annual Certificate of Compliance
   Complying with requirement to submit Annual Certification of Compliance and conduct internal review
1. Zone File Access Requirements (CZDS)

Replying to Requests & Reasons for Denial under Specification 4

- Agreement is not explicit on when gTLD must reply to requests for access
  - Be reasonable, open and transparent
  - Establish, publish and adhere to policy that informs requestors by when to reasonably expect a response
  - ICANN inquiry forwards user complaints about pending requests to Registry Operator

- Reasons for denying access under Specification 4:
  - Failure to satisfy credentialing requirements of Section 2.1.2
  - Incorrect or illegitimate credentialing requirements of Section 2.1.2
  - Reasonable belief requestor will violate terms of Section 2.1.5
Performance Measurement & Reporting Update
Enhancing Transparency in Reporting

Enhanced Monthly Reporting

- Additional metrics based on recommendations from Competition, Consumer Choice, and Consumer Trust Review Team draft report and Governmental Advisory Committee’s Copenhagen Communiqué:
  - WHOIS Inaccuracy complaint categories: syntax, operability and identity
  - Domain Name System (DNS) abuse complaint categories: spam, pharming, phishing, malware, botnets, counterfeiting, pharmaceutical, fraudulent and deceptive practices, trademark or copyright infringement and abuse contact

- Additional metrics on subject matter of Transfer complaints relevant for Transfer policy review and evaluation

- Monthly dashboards and Learn More on additional metrics published at https://features.icann.org/compliance/dashboard/report-list
Enhancing Transparency in Reporting (cont’d)

New Quarterly and Annual Reporting

- New quarterly reports replace metrics provided at prior Annual General Meetings and Community Forums during Compliance Program Update session.
- New annual reports provide a calendar year view into compliance landscape.
- Reports include:
  - Registrar complaint types by legacy gTLDs and new gTLDs.
  - Registry Operator complaint types by legacy gTLDs and new gTLDs.
  - Formal Resolution Process by enforcement reason.
  - Complaint volume by reporter category.
- Reports are published at https://features.icann.org/compliance/dashboard/report-list.
- Additional enhancements underway to provide details on complaints related to Category 1 safeguards and Public Interest Commitments.
Contractual Compliance Audit Update
Registrar Audit
Registry Audit
Registrar Data Escrow Proactive Monitoring
Audit Program Update

- ICANN typically conducts two audits each year for both Registrars and Registry Operators in January-February and July-August

Since ICANN 58

- September 2016 (Registrar) and January 2017 (Registry Operator) audits were completed in June 2017
- Registrar and Registry Operator audit rounds were launched in September 2017
  - Audit plans were updated based on lessons learned during most recent audits
- Added information on icann.org to summarize completed audits and top deficiencies
- Effective 1 November: ICANN pre-audit notifications will be sent to auditees only
Registrar Audit Update

Registrar Accreditation Agreement Audit since ICANN 58

- September 2016 audit:
  - 55 Registrars from 21 countries
  - Completed June 2017

- September 2017 audit:
  - In progress – audit phase (documentation review)
  - 59 Registrars from 21 countries
  - 26 Registrars subject to full audit
  - 33 Registrars subject to limited audit to verify remediation of previously noted deficiencies
  - Estimated to be completed in February 2018
Registry Operator Audit Update

Registry Agreement Audit since ICANN 58

- **January 2017 audit:**
  - 15 Registry Operators from 9 countries, covering 21 top-level domains
  - Completed June 2017

- **September 2017 audit:**
  - In progress – audit phase (documentation review)
  - 4 Registry Operators from 3 countries, covering 10 top-level domains
    - Includes top-level domains subject to Category 1 safeguards (i.e., consumer protection, sensitive strings, and regulated markets)
  - Estimated to be completed in February 2018
Registrar Data Escrow Proactive Monitoring

- Data Escrow Agent conducts manual review of deposits as requested by ICANN in cases where:
  - Registrar receives 3rd or Escalated Notice (potential for breach/termination that requires bulk transfer of domains)
  - Number of domains escrowed differs from number of domains under Registrar’s management, as reported by Registry Operator
- Since ICANN 58, more than 100 data escrow reviews requested and performed by Iron Mountain
- ICANN works with other data escrow agents approved by ICANN as needed to perform similar manual reviews.
- Contractual Compliance is actively participating in the Designated Agent for Registrar Data Escrow Services Request for Proposal process: https://www.icann.org/news/announcement-2-2017-08-17-en
The ICANN 60 presentations are available at:

- The ICANN Contractual Compliance outreach page at this link [https://www.icann.org/resources/compliance/outreach](https://www.icann.org/resources/compliance/outreach)

- The ICANN 60 Schedule page at this link [https://schedule.icann.org/](https://schedule.icann.org/)
Appendix
Policy Updates
Additional Audit Slides
Policy Updates
Actively contributing to Registrar-related policies, Working Groups and Implementation Review Teams

- Translation and Transliteration of Contact Information
- Privacy and Proxy Services Accreditation Issues
- Thick WHOIS & Registration Data Access Protocol (RDAP)
- Security, Stability and Resiliency Review Team related to SSR1 Recommendation #10
- Security, Stability and Resiliency of the DNS Review Team 2
- WHOIS Review Team
Actively contributing to Registry-related policies, Working Groups and Implementation Review Teams

- Competition, Trust and Choice Review
- Rights Protection Mechanism Review
- New gTLD Subsequent Procedures
- Specification 11 3b Security Framework
- IGO-INGO: Curative Rights Protections and Protection of Identifiers
- Thick WHOIS & Registration Data Access Protocol (RDAP)
  - RDAP Pilot information at https://community.icann.org/display/RP/RDAP+Pilot
- Security, Stability and Resiliency of the DNS Review Team 2
Policy and Registry Agreement Updates

Registry-related policies and agreement updates since ICANN 58


- Registry Registration Data Directory Services (RDDS) Consistent Labeling and Display Policy (CL&D); effective 1 August 2017 [https://www.icann.org/resources/pages/rdds-labeling-policy-2017-02-01-en](https://www.icann.org/resources/pages/rdds-labeling-policy-2017-02-01-en)

  - All new domain registrations must be submitted as Thick by 1 May 2018
  - All relevant registration data for existing domains must be migrated to Thick by 1 February 2019
Additional Audit
Contractual Compliance Audit Phases

- **Pre-Audit Notification**: is sent to contracted parties in scope of audit round (auditees) informing them about upcoming audit, audit start date and scope of audit.
- **Request for Information** Notification is sent to auditees and includes list of required documents. Negative confirmations sent to all contracted parties not under audit.
- **Audit Phase**: Documentation and data are collected and reviewed by ICANN audit team.
- **Report Phase**: Audit reports are issued by ICANN audit team and sent to each auditee.
- **Remediation Phase**: Auditees that received reports with initial finding(s) work and collaborate with ICANN audit team to address finding(s).
- **Final Report**: Final audit reports are issued upon completion of audit and successful remediation of any noted deficiencies.
Contractual Compliance Audit Program Materials

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

- Registry / Registrar audit plans
- Audit Communication Templates
- Audit Program Frequently Asked Questions
- Audit Outreach sessions by calendar year
- Audit Reports by calendar year
- Past Audit Program plans