

I C A N N

VIRTUAL ANNUAL GENERAL

69

Program Update

ICANN Contractual Compliance



ICANN69 Prep Week
7 October 2020

Agenda

Update since ICANN67 (March 2020)

- ⦿ Launch of the Naming Services portal for Compliance
- ⦿ Enforcement of the Temporary Specification via the Interim Registration Data Policy
- ⦿ Contractual Compliance Audit Update
- ⦿ Enforcement Actions Overview

Questions and Answers

Introduction

- ⦿ 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 obligations 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.

The Naming Services portal (NSp) for Compliance

On 29 August 2020, the ICANN organization launched its Contractual Compliance solution within NSp.

- ⦿ NSp Compliance provides greater functionality and improved data-capturing capabilities for enhanced reporting. Contracted parties can monitor and respond to compliance cases from within the NSp platform.
- ⦿ NSp's secure and scalable architecture allows for ongoing improvements and increased efficiencies to better serve contracted parties and the community.
- ⦿ The webpage for complaint submission has also been updated to:
 - 1) Reduce the amount of misfiled complaints by making it simpler to locate the right form for each issue. Each form is preceded by an introductory text with information about the contractual requirements involved.
 - 2) Allow for gathering all information and evidence needed to address a complaint from the initial submission to reduce processing time.
 - 3) Allow for gathering more granular data on complaints to report to the community.
 - 4) Include specific forms for Temporary Specification-related complaints, including third party access to gTLD Registration Data.

The Naming Services portal (NSp) for Compliance

Easier to locate the right form for each issue. Only two columns with a brief description of what the issue refers to and a link to the corresponding form.

Issue	Additional information & Submit Complaint
<p>A domain name that is being used to conduct an illegal or abusive activity</p> <p>A TLD that is not displaying its contact details for handling inquiries related to malicious conduct in the TLD</p>	<p>Abuse (involving a domain name)</p> <p>Abuse contact details of a TLD</p>
<p>The transfer of a domain name to a different registrar and/or registrant</p>	<p>Transfer</p>
<p>The renewal and/or redemption of a domain name</p>	<p>Renewal/Redemption</p>
<p>The Registration Data associated with a domain name</p>	<p>Registration Data is inaccurate or missing</p> <p>Request for disclosure of Registration Data by a third party with legitimate interest was denied or not responded to</p> <p>Registrant requested and consented to the display of their own Registration Data, but it is not displayed</p>

The Naming Services portal (NSp) for Compliance

Each form is preceded by an introductory text with information about the contractual obligations and scope.

[Abuse \(Involving a Domain Name\)](#)

Complaints about a [domain name](#) used to perpetrate abuse must first be reported to the sponsoring [registrar](#). Prior to filing an abuse complaint with ICANN, please ensure you have submitted an abuse report to the [registrar](#), using the registrar's published abuse contacts, and have allowed the [registrar](#) sufficient time to review and respond.

To identify the sponsoring [registrar](#) of a [domain name](#), you can conduct a search at <https://lookup.icann.org/> (the abuse-dedicated contacts are listed in the "Registrar Information" field). Abuse contact information must also be displayed on the [registrar's](#) website.

ICANN addresses registrar-related abuse complaints under [Section 3.18](#) of the Registrar Accreditation Agreement (RAA). The RAA requires registrars to take reasonable and prompt steps to investigate and respond to abuse reports but does not require them to take any specific action on domain names (e.g. suspension or deletion) in response to abuse reports. Registrars address abuse reports consistent with their obligations in Section 3.18 of the RAA and in accordance with their own domain name use and abuse policies. ICANN is not a [registrar](#) and has no technical ability to take any action (e.g. suspension or deletion) regarding a domain name or its content.

If you receive a suspicious email that appears to come from the ICANN org, please see information [here](#).

By submitting your complaint, you agree that ICANN may share the information and evidence you provide to ICANN with the registrar, registry operator and/or any third party with whom ICANN may consult if needed to fully address your complaint. If you have any concerns about this practice, please include them with your submission in the "description of problem" text box. Additionally, this complaint type allows "anonymous submission" to be selected. More details regarding this option are in the next screen.

By submitting your personal data, you agree that your personal data will be processed in accordance with the ICANN [Privacy Policy](#) and ICANN [Cookies Policy](#), and agree to abide by the electronic [Terms of Service](#).

Next

The Naming Services portal (NSp) for Compliance

Possibility to gather all information and evidence with the initial submission

Possibility to include all domain names

Domain name(s) subject to your complaint

* Are there more than five (5) domain names involved?

- No
 Yes

Please attach a csv at the end of this form.

More defined questions

* Please select the type of complaint (choose all that apply):

- I filed an abuse report with the registrar's abuse-dedicated contacts. The registrar did not respond. When providing the description of the problem below, please list the contact details you used to submit the report to the registrar. If you used contact details different from the registrar's published abuse-dedicated contacts, please provide the reason why (e.g. I tried the published abuse-dedicated email address first, but my message was rejected).
- I filed an abuse report with the registrar's abuse-dedicated contacts. The registrar replied, but I do not believe the report was appropriately investigated and responded to. When providing the description of the problem below, please provide the reasons why you believe the report was not appropriately investigated and responded to.
- Registrar does not have abuse contact information and/or a description of its abuse procedures posted. When providing the description of the problem below, please include a link to or a screenshot of the website(s) you have checked for this information.

* Detailed description of problem:

Possibility to attach evidence

Evidence

Please provide copies of the abuse report(s) you submitted to the registrar and any response(s) received from the registrar (including auto-responses and bounce-back or returned "undeliverable" emails). Please include email headers. Note that not providing this evidence with your initial submission may cause processing time delays for we may need to contact you later in the process to request it again in order to complete the review of your complaint.

Attachment Requirements

The Naming Services portal (NSp) for Compliance

Possibility to capture more granular data to provide to the community, help identify areas within complaint types where registrants encounter the greatest challenges, etc.

* Please select in which capacity you are submitting your complaint.

I was/am the registrant or an authorized representative of the registrant.

I am an ICANN contracted party.

More info about the complainant

* Are you a member of a law enforcement, consumer protection, quasi-governmental or other similar authority within the registrar's jurisdiction?

No

Yes

* Please select the type(s) of alleged abusive and/or illegal activity that you are reporting in connection with the domain name(s):

Malware, botnet

Pharming, phishing

Spam

Trademark or copyright infringement

Pharmaceutical

Counterfeiting

* Geographic Region:

-None-

Africa

Asia/Australia/Pacific

Europe

Latin America/Caribbean islands

North America

More info about the complaint

- Renewal: Failed To Delete Domain
- Renewal: Fees Not Displayed
- Renewal: No Renewal Notification
- Renewal: Notification Methods Not Displayed
- Renewal: Resolution Path Not Restored
- Renewal: Unable to Redeem/Restore
- Renewal: Unable To Renew

The Naming Services portal (NSp) for Compliance

Include specific forms for Temporary Specification-related complaints, including third party access to gTLD Registration Data.

The Registration Data associated with a domain name	<p>Registration Data is inaccurate or missing</p> <p>Request for disclosure of Registration Data by a third party with legitimate interest was denied or not responded to</p> <p>Registrant requested and consented to the display of their own Registration Data, but it is not displayed</p>
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* Please select the type of complaint (choose one):

- The Registration Data associated with the domain name(s) is/are inaccurate or is/are not compliant with the applicable ICANN Agreements or Consensus Policies.
- My request for disclosure of non-public Registration Data was denied or not responded to although I have demonstrated to the registrar or registry operator a legitimate interest for the disclosure of the data.
- I am a registrant and have provided my consent to the registrar to display my Registration Data publicly in the Registration Data Directory Service(s), but the data remains redacted.
- My domain name is suspended and/or locked although I provided accurate, complete and reliable Registration Data to the registrar and verified the email address.
- The service the registrar or registry operator must offer to display Registration Data (WHOIS/Registrar Data Access ...)

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 Service (“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 February 2020 to August 2020, Compliance has:

- Received 25 complaints with evidence of an alleged violation of the Temporary Specification. Of those, 12 related to access to non-public Registration Data (Section 4.1 of Appendix A) and 13 to the display of Registration Data in RDDS (Sections 2.2-2.6 Appendix A).
- Sent 5 new inquiries concerning access to non-public Registration Data. The contracted parties' explanation of their processes and actions taken, or that will be taken, on each complaint is currently under review.
- Sent 25 new inquiries concerning the display of Registration Data in RDDS (Sections 2.2-2.6 Appendix A). 19 RDDS inquiries were closed, after the registrars remediated areas of non-compliance, while others continue remediation efforts.
- Sent one new inquiry concerning Consent to display Registration Data (Section 7.2), which remains in process.

Note: some inquiries above are based on complaints received in prior months and/or information obtained through Compliance's own monitoring. Further, additional Temporary Specification inquiries are still in process from prior months.

Enforcement of Temporary Specification

Since ICANN67, Compliance has:

- ⊙ Launched new complaint forms for Temporary Specification requirements, including complaints concerning a contracted party's denial of/failure to respond to third-party requests for access to non-public Registration Data. Note: ICANN66 Governmental Advisory Committee Communiqué.
- ⊙ Began publishing metrics on its monthly dashboard concerning compliance activity related to Temporary Specification requirements, including access to non-public Registration Data complaints.
- ⊙ Continued addressing certain previously submitted cases currently under remediation or pending further response and collaboration.
- ⊙ Continued educating complainants on changes made pursuant to the Temporary Specification where complainants believe Registration Data is “missing” from public RDDS, privacy/proxy service data are redactions, or that all non-European data should be displayed, etc.

Contractual Compliance Audit Program Update

- ⦿ ICANN Compliance is preparing the launch of an audit focused on Section 3.18 of the 2013 RAA and registrars' abuse report handling obligations. The launch date is being determined.
- ⦿ Information obtained from Reputation Block Lists (RBLs) and RO Security Threat Reports (STRs) will be used to additionally understand and assess registrar DNS Security Threats process and procedures.
- ⦿ Once launched, auditees will receive a request for information with questions.
- ⦿ After reviewing submissions and any follow-up clarification obtained, ICANN will:
 - 1) Issue a confidential initial audit report to each auditee with findings/observations. Auditee will be requested to remediate or provide clarifications (if such clarifications have not been obtained via follow-up attempts).
 - 2) Review auditees remediations/clarifications. Follow-up, if needed.
 - 3) Issue an individual confidential final audit report to each auditee.
 - 4) Send a consolidated final report to the Registrar Stakeholder Group.
 - 5) Publish the consolidated final audit report

Find more information about ICANN Compliance audits [here](#)

Enforcement Actions Overview

From February 2020 to August 2020, Compliance:

- ⦿ Received 10,791 new complaints:
 - ⦿ 9,451 in registrar complaint types
 - ⦿ 1,340 in registry operator complaint types

- ⦿ Closed 9,220 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

From February 2020 to August 2020, Compliance sent:

- 1,985 complaints to contracted parties (reported by 1st/2nd/3rd): 1,545 / 345 / 95
- 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 registration data associated with domain names	330	Zone file access requests	390
Inter-registrar and/or inter-registrant domain name transfers	242	Providing ICANN with weekly access to thin registration data	99
Abuse report handling	130	Submit monthly transaction and activity reports to ICANN	27
Addressing Registrars' obligations related to:	2nd notifications	Addressing Registry Operators' obligations related to:	2nd notifications
Inter-registrar and/or inter-registrant domain name transfers	48	Zone file access requests	128
The accuracy of the registrarion data associated with domain names	25	Providing ICANN with weekly access to thin Registration Data	15
Abuse report handling	16	Escrowing data	14
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)	14	Zone file access requests	28
Inter-registrar and/or inter-registrant domain name transfers	12	Escrowing data	5
Payment of accreditation fees	7	Annual Certification of Compliance with Spec 13	3

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.

- 970 closures to registrars and 472 to registry operators

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

Questions & Answers



Send compliance questions

To: compliance@icann.org

Subject line: ICANN69 Prep Week Compliance Update

The ICANN69 presentation will be available at:

- The ICANN Contractual Compliance outreach page at <https://www.icann.org/resources/compliance/outreach>
- The ICANN69 Prep Week page at
- <https://www.icann.org/news/announcement-2020-09-15-en>

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>