ICANN 64

COMMUNITY FORUM

KOBE

9–14 March 2019

Program Update

ICANN Contractual Compliance

ICANN 64 Compliance Program Udpate
12 March 2019

Agenda

- ⊙ Update Since ICANN 63
    - ⊙ Registrar and Registry Compliance Update
    - ⊙ Outreach Update
    - ⊙ Contractual Compliance Audit Update

- ⊙ Questions and Answers

- ⊙ Appendix for your reference
    - ⊙ PICDRP Update
    - ⊙ Policy Efforts
    - ⊙ Additional Temporary Specification information

ICANN Contractual Compliance

- Role of ICANN Contractual Compliance

  - Plays an important part in implementation of community policies

  - These policies, and other DNS-related provisions, are incorporated into ICANN's agreements with registries and registrars

- By enforcing these agreements, Contractual Compliance:

  - Upholds community policies and preserves DNS stability and security

  - Contributes to credibility and legitimacy of ICANN's multi-stakeholder model

Registrar and Registry Compliance Update

Registrar and Registry Compliance Update

1   **2018 Annual Compliance Certifications**
ICANN Contractual Compliance review of 2018 annual registrar and registry compliance certifications

2   **Temporary Specification and Compliance**
Implementation and enforcement of Temporary Specification

3   **Temporary Specification – Reporter Perspective**
Common complaints from reporters post Temporary Specification

4   **WHOIS Accuracy Reporting System complaints**
Update on processing of Whois Accuracy Reporting system complaints

1. 2018 Annual Compliance Certifications

Review of 2018 annual Registrar and Registry compliance certifications

- ⦿ Registry operators (that meet certain conditions) and registrars are required to certify compliance annually 20 January

- ⦿ ICANN Contractual Compliance reviews certifications to ensure timely receipt and proper formatting/content

- ⦿ Approximately 20 registrars subject to 2018 compliance processing

- ⦿ Approximately 750 top-level domains required to submit certifications and are under review

- ⦿ Registry operator and registrar requirements:
    - ⦿ https://www.icann.org/resources/pages/submission-annual-certifications-internal-reviews-faqs-2018-09-10-en
    - ⦿ https://www.icann.org/resources/pages/registrar-compliance-certificate-2015-12-09-en

2. Temporary Specification

Implementation of Temporary Specification for gTLD Registration Data

- Temporary Specification became effective 25 May 2018
  - Applies to all ICANN contracted parties
  - Contracted parties' compliance with GDPR is not in scope

- Compliance enforcement of Temporary Specification on per-contracted party basis with holistic review of implementation

- Contractual Compliance is following and providing input to Expedited Policy Development Process and collaborating with contracted parties in consideration of future policy changes; see https://community.icann.org/display/EOTSFGRD/Input+from+ICANN+Org

- Complaints and monitoring efforts regarding compliance with Temporary Specification are processed using same Approach and Process as other complaint types

2. Temporary Specification (continued)

ICANN Contractual Compliance Complaint Processing

- ⊙ No new complaint type; complaints continue to be received and processed from existing web form submissions

- ⊙ Contractual Compliance adjusted review of complaints to account for changes in registration data

- ⊙ Requesting different/additional information where necessary to understand situation (e.g., confirmation of communications)

- ⊙ For any complaint review that requires unredacted registration data, ICANN requests specific data from contracted party

- ⊙ Access to unredacted registration data enables ICANN to validate (and sometimes close) complaints before sending them to contracted parties

2. Temporary Specification (continued)

Temporary Specification related complaint - reporting

- ⊙ Approximately 716 complaints related to Temporary Specification since 25 May 2018
  - ⊙ Majority closed after educating reporters on requirements

- ⊙ Approximately 30 registrars and 5 registries received compliance inquiries/notices
  - ⊙ Over half completed remediation or are currently remediating
  - ⊙ Approximately 5 registrars challenged requirements and are continuing to collaborate with ICANN
  - ⊙ Remainder in process

3. Temporary Specification – Reporter Perspective

Common complaints from reporters post Temporary Specification

- ⊙ Reporter believes registration data is "missing" from public WHOIS
- ⊙ Reporter believes all non-European data should be displayed
- ⊙ Reporter wants their registration data to be displayed
- ⊙ Reporter believes privacy/proxy service data are redactions
- ⊙ Registry WHOIS output is displayed recursively by registrar
- ⊙ Email address or web form used for redactions is non-functional
- ⊙ Registry WHOIS service is not displaying required message in email fields
- ⊙ Gaining registrar continues to require FOA even when not required

- ⊙ Large effort in educating reporters regarding Temporary Specification requirements and changes to existing agreements and policies

Note: Additional information related to Temporary Specification compliance in appendix below

4. WHOIS Accuracy Reporting System complaints

Processing of WHOIS Accuracy Reporting System complaints

- ⊙ Processing of complaints generated from WHOIS Accuracy Reporting System (ARS) prior to 25 May 2018 put on hold

- ⊙ ARS methodology is being updated to align with requirements of Temporary Specification for gTLD Registration Data

- ⊙ Compliance processing will resume on any newly generated complaints

Outreach Update

Outreach Update

Contractual Compliance participated in these events since ICANN 63:

- Middle East DNS Forum Outreach in Dubai, UAE (February 2019)

- Registrar/reseller outreach at NamesCon in Las Vegas, Nevada (February 2019)

- ICANN 63 Readout Session in Istanbul, Turkey (November 2018)

- Nordic registrar Outreach in Stockholm, Sweden (November 2018)

- Registry Audit Outreach Sessions via webinar (November 2018)

- To learn more, please visit Compliance Outreach page at this link https://www.icann.org/resources/compliance-reporting-performance

Contractual Compliance Audit Update

Contractual Compliance Audit Program Update

DNS Infrastructure Abuse

- On 6 November 2018, ICANN launched a DNS infrastructure abuse-focused audit for 1222 gTLDs

- New gTLDs audit objective: to assess whether and to what extent registry operators comply with DNS infrastructure abuse obligations and Public Interest Commitments

- Legacy gTLDs audit objective: to learn about procedures in handling DNS abuse and security threats, if any

- On 8 November 2018, ICANN published blog on addressing DNS abuse

- Enhanced transparency: ICANN published audit Request for Information pro-forma and DNS Abuse Frequently Asked Questions

Contractual Compliance Audit Program Update

DNS Infrastructure Abuse Audit Approach & Status

- ⊙ Auditees receive questions and request to submit five most recent security threats reports

- ⊙ ICANN reviews responses and compares reports to publicly available blocklists, excluding spam

- ⊙ Variances (publicly identified abusive domains not included in registry reports) are sampled and provided to auditees

- ⊙ ICANN issues confidential initial audit report to each auditee with findings/observations and allows registry to address or provide clarity

- ⊙ These steps are applied to each auditee until all reviews are completed

- ⊙ Learn more about audit phases and timeline at https://www.icann.org/resources/pages/audits-2012-02-25-en

Questions & Answers

Send compliance questions

<u>To</u>: compliance@icann.org

<u>Subject line</u>: ICANN 64 Compliance Update

The ICANN 64 presentation is available at:

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

Appendix

PICDRP Update
Policy Efforts
Additional Temporary Specification
information

PICDRP Update

Public Interest Commitment Dispute Resolution

Public Interest Commitment Dispute Resolution Procedure

- ⊙ ICANN Complaints Office received and responded to complaint regarding ICANN Contractual Compliance PICDRP complaint handling

- ⊙ 3 October 2018 report published at https://www.icann.org/en/system/files/files/complaint-response-c-2018-00010-23aug18-en.pdf

- ⊙ Recommendation to align procedure with principles of transparency by sharing communications between all parties during PICDRP Standing Panel evaluation period

- ⊙ Proposed amendments shared with Registry Stakeholder group in January 2019; feedback received; will be published for public comment

Policy Efforts

Policy and Working Group Efforts

Actively contributing to Registrar and Registry related policies, Working Groups and Implementation Review Teams

- ⊙ Expedited Policy Development Process on Temporary Specification for gTLD Registration Data
- ⊙ RDAP implementation
- ⊙ Internationalized Domain Name guidelines implementation
- ⊙ New gTLD Subsequent Procedures
- ⊙ Competition, Trust and Choice Review
- ⊙ WHOIS Review Team
- ⊙ Translation and Transliteration of Contact Information
- ⊙ Privacy and Proxy Services Accreditation Issues
- ⊙ Security, Stability and Resiliency Review Team

Note: Reports and input are published at https://features.icann.org/compliance

Additional Temporary Specification Information

Temporary Specification – additional information

- Section 5.7 of Temporary Specification requires contracted parties to provide ICANN Contractual Compliance with reasonable access to registration data upon request, for processing of contractual compliance matters

  - Section 4.4.13 of Temporary Specification: processing contractual compliance matters is a legitimate purpose for processing registration data

- Limit scope of requests to narrowly tailored data/information

- Inquiries used where registration data is redacted

- Additional review/alignment may cause delays in processing

- Transfer complaint review adjusted to account for Temporary Specification Appendix G changes (updated approach is noted in red on following slide)

Temporary Specification – additional information

Transfer compliant processing with Temporary Specification Appendix G

- There are various requirements under the Transfer policy related to inter-registrar transfers and change of registrant
  - Appendix G of Temporary Specification adds new requirements
- If determined in scope of RAA and Transfer Policy, complaint will be forwarded to registrar for review
- ICANN's requests for information and records from registrar are driven by contractual and policy requirements, content of complaint and available information
  - Copies of correspondence between registrar/reseller and reporter/registrant
  - If applicable, non-public registration data for relevant fields
  - Reason for denial of transfer or change of registrant
  - Gaining registrar to confirm access to registration data; if no access: FOA is not requested; will not ask for Change of Registrant; will ask for WHOIS Accuracy Program Specification validation/verification confirmation
- Additional follow up with reporter and registrar as needed

Temporary Specification – additional information

Transfer of bulk registration data to ICANN

- Temporary Specification Appendix F modified requirements for ICANN's bulk registration data access (BRDA) under Section 3.1.1 of Specification 4 of registry agreement

  - Registry operators must now provide thin registration data only

  - Submission of thick registration data to ICANN is no longer permitted

  - Please review Appendix F and update registry operator and registry service provider systems accordingly

Temporary Specification – additional information

Registrar obligations unchanged by Temporary Specification

- ◉ Examples of Registrar Accreditation Agreement or registrar Consensus Policy obligations which are unchanged by Temporary Specification:
    - ◉ Provision of registrar web-based and port 43 (where applicable) WHOIS services (Section 3.3)
    - ◉ Data escrow (Section 3.6)
    - ◉ WHOIS inaccuracy and WHOIS Accuracy Program Specification requirements (Section 3.7.8)
    - ◉ Fees (Section 3.9)
    - ◉ Reseller agreement (Section 3.12)
    - ◉ Registrar Information Specification (Section 3.17)
    - ◉ Abuse report handling (Section 3.18)
    - ◉ Privacy/proxy services (Section 3.1.4.5)
    - ◉ Change of Registrant lock (Transfer policy)
    - ◉ Renewal reminders and domain expiration obligations (Expired Registration Recovery Policy)

Temporary Specification – additional information

Registry obligations unchanged by Temporary Specification

- ⊙ Examples of Registry Agreement obligations which are unchanged by Temporary Specification:
    - ⊙ Fees (Article 6)
    - ⊙ Data escrow (Specification 2)
    - ⊙ Monthly reports (Specification 3)
    - ⊙ Provision of registry web-based and port 43 WHOIS services and zone file access to third parties and ICANN (Specification 4)
    - ⊙ Reserved names (Specification 5)
    - ⊙ Interoperability/continuity standards (Specification 6)
    - ⊙ Continuing operations Instrument (Specification 8)
    - ⊙ Code of conduct (Specification 9)
    - ⊙ Registry performance (Specification 10)
    - ⊙ Public interest commitments (Specification 11)
    - ⊙ Community registration policies (Specification 12)
    - ⊙ .Brand provisions (Specification 13)

Enhanced Transparency in Reporting

Enhancing Transparency in Reporting

- Blog published November 2018 on Addressing Domain Name System (DNS) Infrastructure Abuse

- Input to questions received from Expedited Policy Development Process team:
  https://community.icann.org/display/EOTSFGRD/Input+from+ICANN+Org

- 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-2018

Registrar Use of Registration Reporting Interface

Registrar Use of ICANN's RRI for Data Escrow Monitoring

- Registration Reporting Interface (RRI) has been used by registry operators for monthly reporting and data escrow notifications

- RRI provides enhanced transparency to status of information submitted and permits increased and automated monitoring

- In September 2018, RRI was updated to allow registrar data escrow agents to provide notifications to ICANN about escrow deposits

- Registrars can opt to use RRI to monitor data escrow reporting status and obtain details about deposit verification notifications that ICANN has received from its data escrow agent

- For access, testing and other information visit https://www.icann.org/resources/pages/registrar-data-escrow-reporting-faq-2019-02-12-en