ICANN 64
COMMUNITY FORUM

KOBE
9–14 March 2019

Program Update

ICANN Contractual Compliance

ICANN 64 Prep Week
27 February 2019

Agenda

- Update Since ICANN 63
  - Registrar and Registry Compliance Update
  - Contractual Compliance Audit Update
  - Enhanced Transparency in Reporting

- Questions and Answers

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

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

5 — **Registrar Use of Registration Reporting Interface**
Registrar Use of ICANN's Registration Reporting Interface for Data Escrow Monitoring

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

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

2. Temporary Specification (continued)

Temporary Specification related complaint - reporting

Complaint Types	May 2018	June 2018	July 2018	Aug 2018	Sept 2018	Oct 2018	Nov 2018	Dec 2018	Jan 2019	Grand Total
Registrar	41	67	51	46	36	80	70	125	90	606
Whois Inaccuracy	30	37	38	35	30	53	49	112	82	466
Whois Format	1	13	2	4		2	5	3	2	32
Whois Unavailable	2	7	3	3	3	4	1	3	3	29
Abuse		2	1		1	6	6	1		17
Transfer	5	3	4	1	2		1	1		17
Registrar Other						12	4	1		17
Whois SLA	1	2	2	1			1		1	8
Domain Renewal	1	3	1	1						6
Privacy/Proxy							1	2	1	4
Registrar Contact					1		1	1		3
UDRP	1					1				2
Registrar Info Spec						1			1	2
Customer Service								1		1
Domain Deletion							1			1
Failure to Notify						1				1
Registry		4								4
Bulk ZFA		2								2
URS		1								1
Registry Other		1								1
Grand Total	41	71	51	46	36	80	70	125	90	610

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

5. 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

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

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

Questions & Answers

Send compliance questions

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

<u>Subject line</u>: ICANN 64 Prep Week Update

The ICANN 64 Prep Week presentation is available at:

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

- The ICANN 64 Prep Week page at
https://www.icann.org/news/blog/icann64-prep-week

Appendix

Outreach Update
PICDRP Update
Policy Efforts
Additional Temporary Specification
information

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

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)