

The image is a promotional graphic for the ICANN 60 Annual General meeting. It features a background photograph of a cityscape at dusk or dawn, with several tall, modern skyscrapers on the left and a large, ornate archway on the right. In the foreground, there are colorful flower beds and a paved walkway. A white rectangular box with a thin border is overlaid on the right side of the image, containing the event details in white text. The text is arranged in three lines: 'ICANN' in a large, bold, sans-serif font, 'ANNUAL GENERAL' in a smaller, bold, sans-serif font, and '60' in a very large, bold, sans-serif font. Below this, 'ABU DHABI' is written in a bold, sans-serif font, and '28 October-3 November 2017' is written in a smaller, sans-serif font.

ICANN
ANNUAL GENERAL

60

ABU DHABI

28 October-3 November 2017

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

1. Transfer Policy: Prior Registrant Confirmation

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
 - ⦿ Report published at <https://www.icann.org/en/system/files/files/compliance-registrar-audit-report-2016-20jun17-en.pdf>

- ⦿ 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
 - ⦿ Report published at <https://www.icann.org/en/system/files/files/contractual-compliance-ra-audit-report-2016-12jul16-en.pdf>

- ⦿ 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>

Questions & Answers



Send compliance questions

To: compliance@icann.org

Subject line: ICANN 60 Program Update Session

The ICANN 60 presentations are available at:

- The ICANN Contractual Compliance outreach page at this link <https://www.icann.org/resources/compliance/outreach>
- The ICANN 60 Schedule page at this link <https://schedule.icann.org/>

Appendix

Policy Updates

Additional Audit Slides

Policy Updates

Policy and Working Group Efforts - Registrar

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

Policy and Working Group Efforts – Registry

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

- ⦿ Amendments to base New gTLD Registry Agreement; effective 31 July 2017 <https://www.icann.org/resources/pages/global-amendment-base-new-gtld-registry-agreement-2017-01-23-en>
- ⦿ 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>
- ⦿ Thick WHOIS Transition Policy for .com, .net and .jobs published with milestones for Registry Operators and Registrars <https://www.icann.org/resources/pages/thick-whois-transition-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