

Internet Corporation for Assigned Names and Numbers Contractual Compliance Update

October - December 2017



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¹ This update is provided for information purposes only. Please do not rely on the information contained within this update to make conclusions or business decisions.

General Update

The Contractual Compliance team attended ICANN's 60th Public Meeting from 28 October – 3 November 2017 in Abu Dhabi, United Arab Emirates. The team provided a Contractual Compliance Program for the community, met with registrars, joined the Registry Stakeholder Group meeting, and held meetings throughout the week with ICANN members and contracted parties. Additional information about ICANN60 Contractual Compliance activities is available [here](#).

On 2 November 2017, the ICANN organization published a [Statement from Contractual Compliance](#) to address concerns raised by the community regarding the ICANN Contracted Parties' ability to comply with ICANN agreements and policies, while being compliant with data protection regulations. In particular, those regulations that are effective 25 May 2018 in the European Union (GDPR). Additional materials related to data protection and privacy can be found [here](#) on ICANN's website.

Global Compliance Team Regroup in November

The Contractual Compliance team met in ICANN org's Los Angeles office the week of 27 November 2017. The goal of the regroup was to continue to improve the Contractual Compliance function. A total of 25 sessions were conducted and on Thursday, 30 November, the team held an all-day event focused on team development and strengthening.

CONTRACTUAL COMPLIANCE INITIATIVES AND IMPROVEMENTS

Enhanced Transparency in Compliance Reporting

As previously reported [here](#), Contractual Compliance published an improved monthly dashboard report, new 2017 quarterly reports, and new 2016 annual metrics reports to provide more detailed information on the subject matter of complaints. This is consistent with the various recommendations and requests from the Competition, Consumer Choice, and Consumer Trust Review Team, the Governmental Advisory Committee, and other stakeholders.

System Update

During this period, the ICANN Contractual Compliance team's complaint processing system went live with these functional improvements:

- Updates on reporter and contracted templates to improve communications related to multiple complaint types.
- Enhancements to improve granularity in reporting metrics.
- Update on reducing the auto-closure of complaints.
- Updates specifying 2018 business days for communication templates and complaint workflow.

Participation in ICANN Policy Development Process

During this quarter, ICANN's Contractual Compliance team continued to participate in the Policy Development Process (PDP) working groups and reviews. These efforts focused mostly on:

- Thick WHOIS.
- Privacy/Proxy Services Accreditation Implementation.
- Competition, Consumer Trust, and Consumer Choice Review.

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- New Generic Top-Level Domain (gTLD) Subsequent Procedures.
 - Translation and Transliteration of Contact Information Implementation.
 - Protection of IGO and INGO Identifiers in all gTLD implementation.

REGISTRAR UPDATE

Change of Registrant (COR) 60-day lock under the Transfer Policy

During this quarter, ICANN Contractual Compliance team worked with multiple registrars and reporters to clarify the scope of the 60-day lock required for COR as specified in Section II of the [Transfer Policy](#).

The 60-day lock only applies to the specific COR examples specified in Section II.A.1.1 of the Transfer Policy, including a non-typographical change to the registered name holder (RNH) or any change to the RNH's email address. While registrars may implement other security methods for changes to other WHOIS data not identified in the Transfer Policy (such as RNH telephone number or Proxy Service customer information), registrars may not implement a 60-day lock for these changes.

Additionally, once a 60-day COR lock is applied to a domain name, the RNH cannot remove or otherwise opt-out of the lock. A registrar may provide the option to the RNH to opt-out of the 60-day lock prior to the COR, but once the lock is applied, it must remain in place for 60 days.

WHOIS Accuracy Reporting System

In October 2017, the Contractual Compliance team began processing WHOIS Accuracy Reporting System (ARS) Phase 2, Cycle 5 complaints. More information about WHOIS ARS Phase 2, Cycle 5, is available [here](#), and Compliance metrics for WHOIS ARS complaints can be found [here](#).

REGISTRY UPDATE

Processing of Compliance Matters Related to Registry Operators

ICANN's Contractual Compliance team issued one enforcement notice this quarter against a new gTLD registry operator. The main cause of the notice was failure of a Critical Function (as defined by the registry agreement), specifically Port 43 Registration Data Directory Services (RDDS). The failure also led to ICANN org's use of the Emergency Back-End Registry Operator Temporary Transition Process as announced [here](#) on 8 December 2017 and enforcement notices are published [here](#).

AUDIT PROGRAM UPDATE

The Contractual Compliance Audit Program is ongoing. Typically, ICANN org conducts two rounds of audits a year for registrars and two for registries. An update for each type of audit is provided below.

Registrar Accreditation Agreement Audit

The registrar audit round, launched in September 2017, is now in the audit phase. Fifty-Nine registrars received a Request for Information notice to participate in the audit. These fifty-nine registrars consist of twenty-six registrars selected for full audit and thirty-three registrars rolled over from prior rounds for a partial re-audit to confirm the effectiveness of their remediation efforts implemented after the prior round. Two registrars have voluntarily terminated their accreditation during the audit. The preliminary audit report by registrar will be sent in January 2018.

Registry Accreditation Agreement Audit

The New gTLD Registry Agreement audit round, launched in September 2017, is now in the audit phase. Ten Category 1 strings New gTLDs received a Request for Information notice to participate in the audit and will receive a preliminary audit report in January 2018. The TLDs in scope are in the following categories: Health and Fitness (.pharmacy, .dentist), Inherently Governmental Functions (.airforce), Gambling (.bingo, .poker), Financial (.creditcard), Potential for Cyber Bullying/Harassment (.gripe), Professional Services (.lawyer), and Corporate Identifiers (.ltd).

Data Escrow Update

ICANN continues requesting data escrow deposit audits of registrars who received a third notice or a notice of breach. Approximately half had issues with their data escrow deposits, the majority of which were related to incomplete deposits and missing information for domains where privacy and proxy services were used. All issues were remediated and retested.

ICANN continued proactive monitoring to measure the completeness of the registrars' data escrow deposits which includes the deposit of all gTLD domains under each registrar's management. This effort is currently limited to registrars depositing with Iron Mountain which is 98% of the registrar population.

COMPLAINTS HANDLING AND ENFORCEMENT SUMMARY

The ICANN Contractual Compliance quarterly metrics are available on the [Compliance Performance Reports](#) page.

