

**I C A N N**  
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# Program Update

**ICANN Contractual Compliance**



ICANN66 Prep Week  
15 October 2019

# Agenda

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- ⦿ Update since ICANN 64 (March 2019)
  - ⦿ Enforcement Actions Overview and Outreach Activities
  - ⦿ Registrar and Registry Compliance Update
  - ⦿ Contractual Compliance Audit Update
- ⦿ Questions and Answers
- ⦿ Appendix for your reference
  - ⦿ Policy Efforts
  - ⦿ Additional Temporary Specification information
  - ⦿ Contractual Compliance Reporting



# Enforcement Actions Overview and Outreach Activities

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- ⦿ ICANN Contractual Compliance (“Compliance”) enforces agreements and policies to support preserving 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.



# Enforcement Actions Overview and Outreach Activities

## From April 2019 to September 2019, Compliance:

- ⦿ Received 12,143 new complaints:
  - ⦿ 10,682 in registrar complaint types
  - ⦿ 1,461 in registry operator complaint types
- ⦿ Closed 8,901 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
    - ⦿ Complained about third party outside of ICANN's remit
- ⦿ Note: closure reasons by complaint type are available at [Metrics and Dashboards](#)

# Enforcement Actions Overview and Outreach Activities

## From April 2019 to September 2019, Compliance:

- ⊙ Sent 3,149 complaints to contracted parties (reported by 1st/2nd/3rd):
  - ⊙ Registrars: 1,728 / 324 / 47
  - ⊙ Registry Operators: 843 / 151 / 56

Note: details regarding the approach and process Compliance follows to address these complaints are available [here](#).

- ⊙ Since ICANN64, Compliance has issued:
  - ⊙ 4 notices of breach to registrars
    - ⊙ 1 cured; 1 escalated to suspension; 2 escalated to termination
  - ⊙ 1 registrar notice of termination (without a prior notice of breach)
  - ⊙ 1 registrar notice of suspension (without a prior notice of breach)
  - ⊙ 1 registry operator notice of breach, which was cured

Note: details of all enforcement notices and status are available [here](#).

# Enforcement Actions Overview and Outreach Activities

Since ICANN64 Compliance conducted outreach at these events:

- ⦿ Outreach session for registrars in Xiamen, China (31 May -2 June 2019)
- ⦿ Outreach session for Eastern European registrars in Moscow, Russian Federation, in partnership with Global Domains Division and Global Stakeholder Engagement teams (6 June 2019)
- ⦿ Outreach and training sessions in Europe, Middle East and Africa Region in collaboration with the ICANN Registrant Program:
  - ⦿ Kampala, Uganda (15-16 June 2019)
  - ⦿ Lisbon, Portugal (19 June 2019)
  - ⦿ Tel Aviv, Israel (21 July 2019)
- ⦿ Eastern European DNS Forum in Yerevan, Armenia (11-12 October 2019)

Note: to learn more, visit Compliance Outreach page at this [link](#).



# Registrar and Registry Compliance Update

# Registrar and Registry Compliance Update

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## RDAP Compliance

Implementation and enforcement of 26 August 2019 Registration Data Access Protocol (RDAP) service requirement

2

## Temporary Specification and Compliance

Implementation and enforcement of Temporary Specification via the Interim Registration Data Policy

3

## Temporary Specification – Reporter Perspective

Common complaints following Temporary Specification implementation

# RDAP Implementation and Compliance

## RDAP service implementation and compliance monitoring

- ⦿ ICANN's RDAP overview may be found at <https://www.icann.org/rdap>
- ⦿ 27 February 2019 – ICANN sends legal notification to registrars and registry operators requiring implementation of a Registration Data Access Protocol (RDAP) service by 26 August 2019 with recommended February 2019 gTLD RDAP Profile
- ⦿ 24 July 2019 – ICANN sends reminder regarding RDAP service implementation deadline and importance of continuing to offer access to port 43 and web-based WHOIS services until coordinated sunset of WHOIS is defined
- ⦿ 26 August 2019 – RDAP service compliance monitoring conducted using same approach and process as other compliance matters



# RDAP Implementation and Compliance



## RDAP Technical Implementation Guide

*The base URL of Registry RDAP services MUST be registered in the IANA's Bootstrap Service registry for Domain Name Space (<https://www.iana.org/assignments/rdap-dns/rdap-dns.xhtml>), as described in RFC 7484, through the IANA Root Zone Management system. A separate entry is required for each TLD.*

- ⦿ Registry operators can register their RDAP base URL with IANA using the Root Zone Management System
- ⦿ More information can be found at: <https://www.iana.org/domains/root/manage>

# RDAP Implementation and Compliance



## RDAP Technical Implementation Guide

*A registry server RDAP response to a domain query MUST contain a links object as defined in [RFC7483] section 4.2., in the topmost JSON object of the response. The links object MUST contain the elements rel:related and href containing the Registrar's RDAP URL of the queried domain object if the Registrar's RDAP URL has been defined.*

- ⦿ As described above, registries must provide the registrar's RDAP URL, when defined, in response to domain name queries.
- ⦿ To enable easier access for registry operators to find a registrar's RDAP URL to provide in response, ICANN created a central repository of registrar RDAP base URLs, which can be found here: <https://www.iana.org/assignments/registrar-ids>
- ⦿ The registrar's RDAP URL found in the central repository is currently captured from self-service entries provided through RADAR. Therefore, registrar's are encouraged to input their respective RDAP URLs via RADAR.

# RDAP Implementation and Compliance

## RDAP Compliance Monitoring and Enforcement

- ⦿ Compliance is contacting registrars and registry operators regarding implementation of RDAP service and base URLs
  - ⦿ Some registrars have since uploaded their URL to RADAR and some registries have since registered their URL with IANA
  - ⦿ Compliance continues to collaborate with those outstanding
- ⦿ To date, Compliance has received no third-party complaints concerning implementation of RDAP
- ⦿ Compliance will continue to monitor and enforce RDAP service requirements
- ⦿ There has been no indication that any registrars or registry operators have ceased to operate WHOIS services



# RDAP Implementation and Compliance

## Future Development of RDAP

ICANN org will work with the contracted parties to incorporate the RDAP service more robustly into the respective Registry Agreements (RA) and the 2013 Registrar Accreditation Agreement (RAA) via contractual amendments.

Expected amendments to include:

- Defining Registration Data Directory Services (RDDS) to include RDAP and update references to WHOIS throughout the contract as necessary.
- Reporting Requirements for RDAP (Specification 3)
- Requiring the implementation of the gTLD RDAP Profile to standardize RDAP query responses (Specification 4)
- Registry Performance Specifications (Specification 10)
  - Definitions
  - Service Level Agreements (SLAs) and Emergency Thresholds for RDAP
  - Clear transition timeline to retire the WHOIS service

# 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 System (“RDDS”), for example:
  - ⦿ Requesting additional data from reporters where necessary to validate complaint
  - ⦿ Requesting unredacted 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

## Metrics:

- ⊙ Approximately 40 registrars and 5 registry operators received Temporary Specification compliance inquiries/notices, addressing over 100 complaints
  - ⊙ Approximately 1/3 have completed remediation; those remaining are in remediation or are pending further response and collaboration
  - ⊙ Some remediations cured non-compliance of other registrars using same service provider
  - ⊙ New inquiries continue to be sent in consideration of Temporary Specification and EPDP recommendations

## Examples of Compliance actions include:

- ⊙ Ensure Registration Data displayed as required by Temporary Specification and Registration Accreditation Agreement:
  - ⊙ Required email/webform is functional/present
  - ⊙ Country or State/Province field(s) are present
  - ⊙ Registrar is displaying full privacy/proxy information
  - ⊙ Redactions applied as required for EEA registrations

# Enforcement of Temporary Specification

## Examples of Compliance actions (continued):

- ⦿ Review of procedures for providing third-party access to non-public Registration Data
  - ⦿ Validate complaints by obtaining evidence of access request and alleged legitimate interest basis for accessing data
  - ⦿ Obtain evidence of balancing test applied (i.e. whether legitimate interest overridden by interests or fundamental rights and freedoms of data subject)
- ⦿ Enforce requirement to obtain approval for inter-registrar transfer through FOA where Registration Data is accessible by gaining registrar
- ⦿ Ensure registry operator Registration Data Directory Service is displaying required message in email fields



# Temporary Specification – Reporter Perspective

## Common complaints following Temporary Specification implementation\*

- ⦿ Compliance received 1200+ complaints related to Temporary Specification since 25 May 2018
- ⦿ More than 80% closed without contacting registrar or registry operator after educating complainants on Temporary Specification
  - ⦿ Reporter believes Registration Data is “missing” from public WHOIS
  - ⦿ Reporter believes that all non-European data should be displayed
  - ⦿ Reporter wants their Registration Data to be displayed
  - ⦿ Reporter believes privacy/proxy service data are redactions
  - ⦿ Registry’s data directory service is displayed recursively by registrar
  - ⦿ Email address or web form used for redactions is non-functional
  - ⦿ Registry’s service is not displaying required message in email fields
  - ⦿ Gaining registrar continues to require FOA even when not required

*\*includes invalid complaints that had some nexus to redaction under Temporary Specification*

# Contractual Compliance Audit Update

# Contractual Compliance Audit Program Update

## Registry Operator Audit - DNS Security Threats

- ⦿ In September 2019, Compliance published its most recent audit report summarizing its November 2018 through June 2019 registry audit on addressing DNS security threats
- ⦿ Focus was on assessing extent to which registry operators comply with contractual obligations related to DNS security threats
- ⦿ Thousands of documents, in multiple languages, were reviewed:
  - ⦿ Security threat reports
  - ⦿ Anti-abuse policies
  - ⦿ Law enforcement agency reports
  - ⦿ Communications regarding reported threats

# Contractual Compliance Audit Program Update

## Registry Operator Audit - DNS Security Threats - Observations

- ⦿ Most registry operators undertake significant efforts to address DNS security threats
- ⦿ Only 5% of registry operators were found to be noncompliant with security threat monitoring requirements and all remediated
- ⦿ Some types of new gTLDs exhibited lower levels of abuse - for example, .brand gTLDs had no security threats during review period
- ⦿ Registry operators use various methods to monitor DNS security threats
- ⦿ Little information available about legacy gTLDs' efforts to address DNS security threats (no contractual obligations to do so)



# Contractual Compliance Audit Program Update

## Upcoming

- ⦿ Compliance is gathering data in preparation to launch next registrar audit, also focused on DNS security threats
- ⦿ ICANN launched Request for Information process to identify possible candidates for audit vendor
  - ⦿ Vendor will be responsible for providing registry operator and registrar audit support services to Compliance
  - ⦿ Current audit vendor was last selected eight years ago

# Questions & Answers



**Send compliance questions**

To: [compliance@icann.org](mailto:compliance@icann.org)

Subject line: ICANN66 Prep Week Compliance Update

**The ICANN66 presentation will be available at:**

- The ICANN Contractual Compliance outreach page at <https://www.icann.org/resources/compliance/outreach>
- The ICANN66 Prep Week page at <https://meetings.icann.org/en/montreal66-prep-week>

# Appendix

Policy Efforts

Additional Temporary Specification  
information

Contractual Compliance Reporting

# Policy Efforts



# Policy and Working Group Efforts

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**Actively contributing to Registrar and Registry related policies, Working Groups and Implementation Review Teams; examples:**

- ⊙ Expedited Policy Development Process on Temporary Specification for gTLD Registration Data, including:
  - ⊙ Phase 1 implementation
  - ⊙ Phase 2 work
- ⊙ Internationalized Domain Name guidelines implementation
- ⊙ New gTLD Subsequent Procedures
- ⊙ WHOIS Review Team
- ⊙ 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 in 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/registrar
  - ⦿ **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:
  - ⦿ Data escrow (Section 3.6)
  - ⦿ 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 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)

# Contractual Compliance Reporting



# Contractual Compliance Reporting

Closed before 1st Inquiry / Notice	Month/Year Ticket was Closed						Total
	Apr-19	May-19	Jun-19	Jul-19	Aug-19	Sep-19	
<b>Registrar</b>							
Abuse	81	69	62	73	83	52	420
Customer Service	22	11	9	17	26	13	98
Data Escrow	1	-	1	-	-	-	2
Domain Name System Security Extensions (DNSSEC), Internationalized Domain Names (IDN), Internet Protocol Version 6 (IPv6)	9	9	4	12	7	7	48
Domain Deletion	83	59	48	90	41	30	351
Domain Renewal	86	61	81	64	64	60	416
Failure To Notify	5	4	11	5	6	8	39
Privacy/Proxy	1	4	2	2	2	3	14
Registrar Contact	4	5	9	6	8	4	36
Registrar Information Specification (RIS)	6	11	5	6	28	21	77
Registrar Other	1	-	-	-	-	-	1
Transfer	292	331	263	262	271	320	1,739
Uniform Domain-Name Dispute-Resolution (UDRP)	12	14	12	10	19	8	75
WHOIS Format	40	35	21	25	15	6	142
WHOIS Inaccuracy <i>breakdown in italics</i>	1,069	786	654	941	668	514	4,632
WHOIS Service Level Agreements	51	42	20	32	8	3	156
WHOIS Unavailable	42	32	27	23	9	7	140
<b>Total</b>	<b>1,805</b>	<b>1,473</b>	<b>1,229</b>	<b>1,568</b>	<b>1,255</b>	<b>1,056</b>	<b>8,386</b>
<b>Registry</b>							
Abuse Contact Data	10	3	5	2	4	7	31
Claims Services	1	-	-	-	-	-	1
Code Of Conduct	-	-	-	-	1	1	2
Public Interest Commitments (PIC)	1	1	-	1	-	1	4
Registry Fees	-	-	1	-	-	-	1
Registration Restrictions Dispute Resolution Procedure	1	2	3	1	1	1	9
Service Level Agreement	-	-	1	-	-	-	1
Uniform Rapid Suspension (URS)	1	-	-	2	-	-	3
Wildcard Prohibition	-	-	-	-	-	1	1
Zone File Access	23	76	91	119	81	72	462
<b>Total</b>	<b>37</b>	<b>82</b>	<b>101</b>	<b>125</b>	<b>87</b>	<b>83</b>	<b>515</b>

Note: complaints closed before 1st Inquiry / Notice are complaints not sent to the registrar or registry operator because they are outside of ICANN's contractual scope, duplicate complaints, complaints about ccTLDs, the reporter did not provide information or evidence requested to validate the complaint, etc.

# Contractual Compliance Reporting

	Apr-19	May-19	Jun-19	Jul-19	Aug-19	Sep-19	Total
<b>Complaints Received</b>							
Registrar	2,010	1,741	2,074	1,968	1,433	1,456	10,682
Registry	120	207	631	187	156	160	1,461
<b>Total</b>	<b>2,130</b>	<b>1,948</b>	<b>2,705</b>	<b>2,155</b>	<b>1,589</b>	<b>1,616</b>	<b>12,143</b>
<b>Complaints Sent</b>							
<b>Registrar</b>							
1st	331	389	215	271	289	233	1,728
2nd	65	77	76	41	18	47	324
3rd	5	11	6	6	2	17	47
<b>Registrar Total</b>	<b>401</b>	<b>477</b>	<b>297</b>	<b>318</b>	<b>309</b>	<b>297</b>	<b>2,099</b>
<b>Registry</b>							
1st	32	53	482	132	101	43	843
2nd	18	9	56	35	22	11	151
3rd	4	1	24	8	17	2	56
<b>Registry Total</b>	<b>54</b>	<b>63</b>	<b>562</b>	<b>175</b>	<b>140</b>	<b>56</b>	<b>1,050</b>
<b>Complaints Sent</b>	<b>455</b>	<b>540</b>	<b>859</b>	<b>493</b>	<b>449</b>	<b>353</b>	<b>3,149</b>

# Contractual Compliance Reporting

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- 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>