

Internet Corporation for Assigned Names and Numbers Contractual Compliance Update

April – June 2016

<http://www.icann.org/en/resources/compliance>

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General Update

In May, the Contractual Compliance team participated in the Global Domains Division (GDD) Summit in Amsterdam, and hosted a session on the ICANN Contractual Compliance Audit Program. The session walked participants through the audit program – its scope, methodology and approach, communication templates and reports. The material published at <https://www.icann.org/resources/pages/audits-2012-02-25-en> was incorporated into the session.

In June 2016, the Contractual Compliance team participated in ICANN's Policy Forum in Helsinki. The team attended the sessions of the Governmental Advisory Committee (GAC), Generic Names Supporting Organization (GNSO), Public Safety Working Group and Cross-Community Working Group.

Enforcement Update

Based on community feedback and to enhance transparency, in July 2016 ICANN will begin adding the date on which breaches are cured on the ICANN Compliance Notices Page (<https://www.icann.org/compliance/notices>). This change will be effective immediately for current enforcement actions. No later than the end of September, enforcement activity during 2016 will be updated to include the date.

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.

Contractual Compliance Initiatives and Improvements

System Update

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

- Acceptance of Registry Service-Level Agreement (SLA) technical alerts and creation of semi-automated compliance notices
- Generation of complaints based on reports from data escrow providers regarding missed or invalid registrar data escrow deposits

In addition, ICANN began the efforts related to the conversion from the current complaint processing system to the enterprise solution provided on the Salesforce platform.

Registrar Update

Additional Data Escrow Agents

The Contractual Compliance team continued to work with the GDD team to bring on board new data escrow agents for registrars, transition registrars to new data escrow agents, and ensure that registrars continue to make data escrow deposits that comply with the Registrar Accreditation Agreement (RAA). More information about the Registrar Data Escrow Program (including a list of current data escrow providers) is at <https://www.icann.org/resources/pages/registrar-data-escrow-2015-12-01-en>.

Registrar Abuse Complaints

ICANN received an increase in complaints alleging that registrars failed to suspend domain names in response to third-party reports of abuse. Many of these complaints were closed because the registrar demonstrated that it took reasonable and prompt steps to investigate and respond to the abuse report (including communicating with the third party). As previously communicated at ICANN Public Meetings, some actions that ICANN may accept to demonstrate that registrars investigated and responded to abuse reports include:

- Contacting the registrant
- Asking for and obtaining evidence or licenses
- Providing hosting provider information to the complainant
- Performing WHOIS verification
- Performing transfer upon request of registrant
- Suspending the domain

WHOIS Accuracy Reporting System

The Contractual Compliance team began processing WHOIS Accuracy Reporting System (ARS) Phase 2, Cycle 1 complaints in May 2016. For domain names that were identified as having an operational failure for email, telephone

or postal address in the WHOIS data, ICANN created individual WHOIS inaccuracy tickets. For domain names that were identified as having syntactical failure for WHOIS contact data, ICANN began targeted outreach regarding WHOIS format requirements of the 2013 Registrar Accreditation Agreement.

The following table summarizes WHOIS inaccuracy tickets created based on data from WHOIS ARS Phase 2, Cycle 1 (as of 1 July 2016). Because tickets may go through several process steps, or may receive multiple closure codes, the numbers below will not equal the total number of tickets created.

WHOIS ARS Phase 2, Cycle 1 Metrics	
Tickets created	2,689
Tickets closed before 1st notice	1,168
1st notices	1,333
2nd notices	61
3rd notices	8
Enforcement	0
Tickets on hold pending remediation	70
Tickets still to be processed	121
Tickets closed	1,686

WHOIS ARS Phase 2, Cycle 1 Resolve Codes	
Registrar verified that WHOIS is correct	109
WHOIS data changed	123
Domain not registered	404
Domain suspended or canceled	462
Complaint inconsistent with WHOIS at submission	536

The Contractual Compliance team is reviewing the 4,005 domain names identified with operational failures in WHOIS contact data by WHOIS ARS Phase 2, Cycle 2. It will begin processing the data in July 2016.

For more information about WHOIS ARS, visit <https://whois.icann.org/en/whoisars>.

Registry Update

Service-Level Agreement Communication Process

During this quarter, ICANN implemented the automation of Registry SLA technical alerts and semi-automated compliance notices that are triggered by SLA downtimes. Fifteen instances of downtimes triggered the alerts, highlighting how important it is for registry operators to keep information about registry contacts in the GDD Portal current.

On 31 May 2016, ICANN announced that it posted for public comment a proposed amendment to the base New Generic Top-Level Domain (gTLD) Registry Agreement. Details about the announcement can be found at <https://www.icann.org/news/blog/amending-the-new-gtld-registry-agreement>. The Contractual Compliance team is following the progress of the amendments in preparation for the implementation of contract provision changes.

Audit Program Update

Registrar Accreditation Agreement Audit Program

The 2013 RAA audit launched on 14 September 2015, and was completed on 25 May 2016. Sixty-seven registrars were selected for this audit round. The audit team reviewed over 5,200 documents in 11 languages received from 23 countries. Thirty-nine registrars (60%) received an Audit Report with no deficiencies. Twenty-six registrars (40%) received an Audit Report with deficiencies noted. The registrars with deficiencies are implementing necessary changes to prevent the instances of non-compliance from recurring. ICANN will follow up to verify that the remaining deficiencies have been remediated.

Registry Agreement Audit Program

The gTLD Registry Agreement audit round launched on 27 January 2016, and was completed on 20 June 2016. Ten gTLD registries were selected for this round of audits. Of the ten selected:

1. 2 registries completed the audit with no deficiencies.
2. 6 completed the audit with deficiencies noted. They were able to resolve them fully during the remediation phase.
3. 2 completed the audit with outstanding deficiencies that were not resolved during the remediation phase. They will be retested in a future audit round to verify compliance in the identified areas.

The audit team reviewed over 500 documents in six languages received from nine countries.

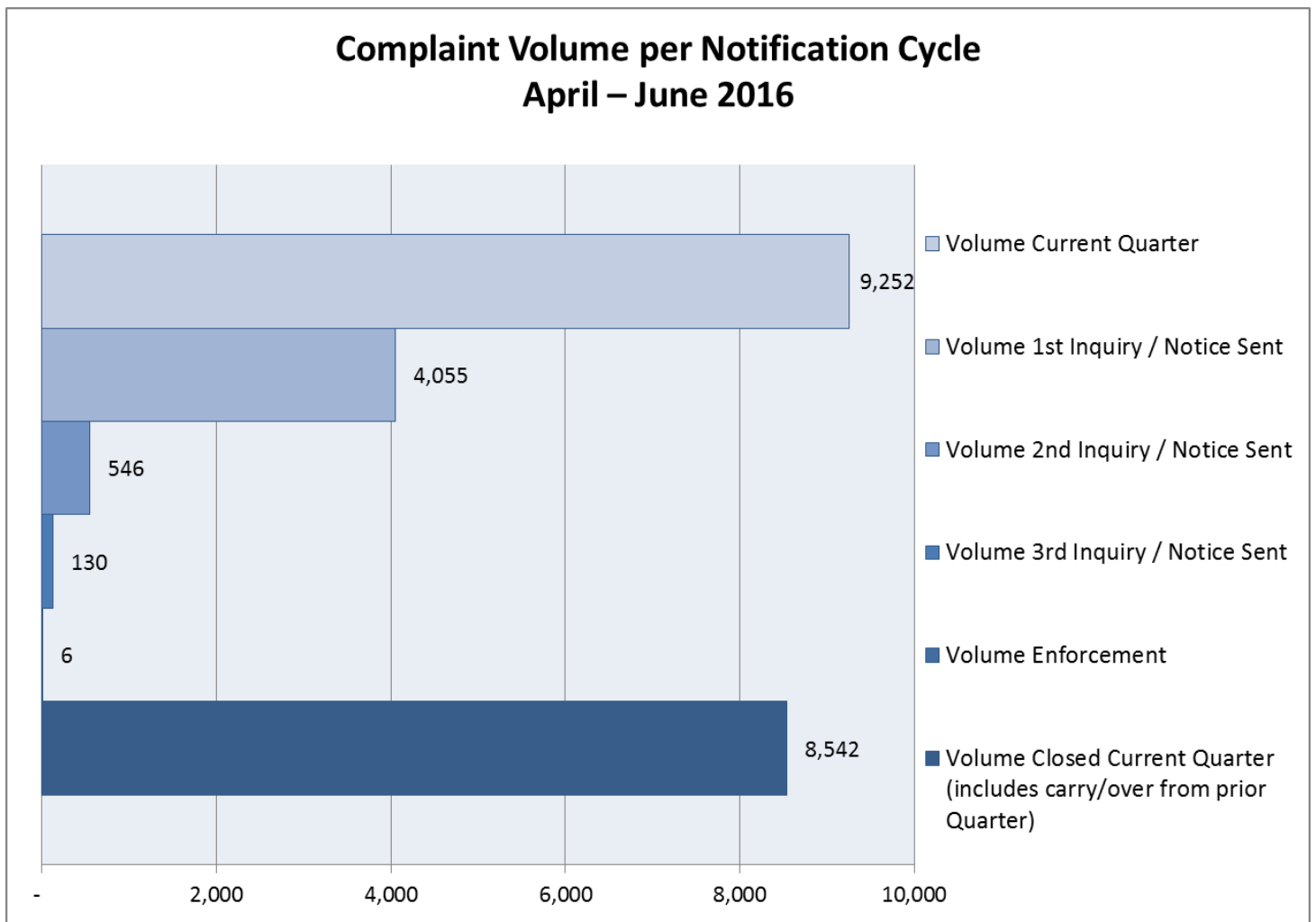
Proactive Effort to Review Data Escrow

ICANN continues to monitor registrars' data escrow deposits to ensure that required deposits are made on a continuous basis and that the format of the deposits is compliant with the RAA. During April, May and June 2016, ICANN asked Iron Mountain to review the data escrow deposits of approximately 40 registrars. The scope of the Iron Mountain review was registrars that received a third notice or a Notice of Breach during this period. Upon encountering a deficiency or error in the deposits, Iron Mountain notified ICANN and worked with the registrar to fix the error. When not resolved, ICANN followed up with the registrar through the standard contractual compliance process.

Additionally, ICANN requested proactive monitoring of data escrow deposits for 200 registrars whose deposits had not previously been audited by Iron Mountain. Approximately 200 audits were completed, and of this group, approximately 75 registrars had issues with their data escrow deposits that are currently being remediated.

Complaints Handling and Enforcement Summary

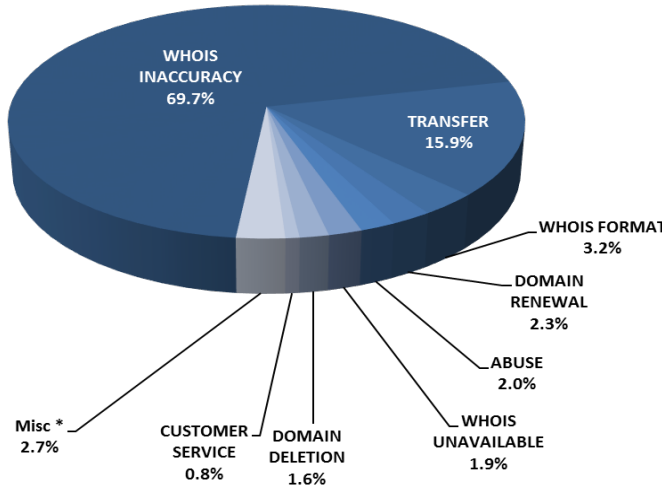
The chart below shows the complaint volume as complaints advance through the overall contractual compliance informal and formal processes.



- **Volume Current Quarter** = number of tickets submitted in the current quarter
- **Volume Closed before 1st Inquiry / Notice Sent** = number of tickets closed before 1st Inquiry / Notice was sent in current quarter
- **Volume 1st Inquiry / Notice Sent** = number of tickets where 1st Inquiry / Notice was sent in the current quarter
- **Volume 2nd Inquiry / Notice Sent** = number of tickets where 2nd Inquiry / Notice was sent in the current quarter
- **Volume 3rd Inquiry / Notice Sent** = number of tickets where 3rd Inquiry / Notice was sent in the current quarter
- **Volume Enforcement** = number of enforcement notices sent in the current quarter
- **Volume Closed Current Quarter** = number of tickets closed in the current quarter

Registrar - Volume Current Quarter **Apr - Jun 2016**

Complaint Distribution



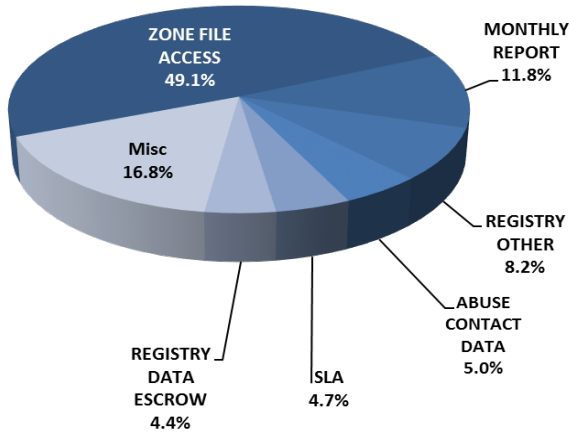
Disclaimer: Due to rounding, percentages may not always appear to add up to 100%.

Complaints

Type	Quantity	Closed before 1 st Inquiry / Notice
ABUSE	174	137
CEO CERTIFICATION	1	0
CUSTOMER SERVICE	69	51
DATA ESCROW	38	3
DNSSEC, IDN, IPV6	7	7
DOMAIN DELETION	144	134
DOMAIN RENEWAL	203	140
FAILURE TO NOTIFY	14	13
FEES	1	0
PRIVACY/PROXY	20	16
REGISTRAR CONTACT	25	21
REGISTRAR INFO SPEC	29	22
REGISTRAR OTHER	10	5
RESELLER AGREEMENT	1	0
TRANSFER	1419	988
UDRP	51	18
WHOIS FORMAT	284	217
WHOIS INACCURACY	6213	2619
WHOIS SLA	43	39
WHOIS UNAVAILABLE	166	147
Total Complaints Processed		8,912
Total Complaints Closed		8,185
Total Closed before 1st Inquiry / Notice		4,577

Registry - Volume Current Quarter **Apr - Jun 2016**

Complaint Distribution



Disclaimer: Due to rounding, percentages may not always appear to add up to 100%.

Complaints

Type	Quantity	Closed before 1 st Inquiry / Notice
ABUSE CONTACT DATA	17	17
BRDA	2	0
BULK ZFA	1	0
CLAIMS SERVICES	1	1
CODE OF CONDUCT	2	0
MONTHLY REPORT	40	0
PIC	3	3
REGISTRY DATA ESCROW	15	0
REGISTRY FEES	14	0
REGISTRY OTHER	28	22
RESERVED NAMES/CONTROLLED INTERRUPTION	12	9
RR-DRP	5	5
SLA	16	8
SLA ALERTS	15	0
URS	2	1
ZONE FILE ACCESS	167	27
Total Complaints Processed		340
Total Complaints Closed		357
Total Closed before 1st Inquiry / Notice		93

ENFORCEMENT ACTIVITY FOR JUNE						
SENT DATE	DUE DATE	CONTRACTED PARTY	IANA ID	NOTICE TYPE	STATUS	FAILURE NOTICE BASIS
6-Jun-16	6-Jul-16	Bharti Airtel Limited (airtel)	n/a	Breach		Publish on primary website a link to an ICANN-designated webpage containing WHOIS policy and educational materials (RA Section 1.11 of Spec 4)
						Publish on website DNSSEC Practice Statements (DPS) (RA Section 1.3 of Spec 6)
						Publish on website abuse contact details (RA Section 4.1 of Spec 6)
						Pay past due fees (RA 6)
6-Jun-16	6-Jul-16	Bharti Enterprises (Holding) Private Limited (bharti)	n/a	Breach		Publish on primary website a link to an ICANN-designated webpage containing WHOIS policy and educational materials (RA Section 1.11 of Spec 4)
						Publish on website DNSSEC Practice Statements (DPS) (RA Section 1.3 of Spec 6)
						Publish on website abuse contact details (RA Section 4.1 of Spec 6)
						Pay past due fees (RA 6)
22-Jun-16		Mister Name SARL	1319	Termination		Cure any RAA breach within 15 working days (5.3.4 RAA)
22-Jun-16		MOBILE.CO DOMAINS CORP.	1015	Termination		Cure breaches of the RAA within 21 days (5.5.4 RAA)
27-Jun-16	18-Jul-16	Internet Solutions (Pty) Ltd.	1079	Breach		Maintain and provide information required by the Registrar Information Specification (RAA 3.17)
						Pay accreditation fees (RAA 3.9)

ENFORCEMENT ACTIVITIES FROM PRIOR MONTHS						
SENT DATE	DUE DATE	CONTRACTED PARTY	IANA ID	NOTICE TYPE	STATUS	FAILURE NOTICE BASIS
7-Mar-16		MOBILE.CO DOMAINS CORP.	1015	Suspension	<i>Escalated to Termination</i>	Cure breaches of the RAA within 21 days (5.5.4 RAA)
23-May-16	13-Jun-16	Mister Name SARL	1319	Breach	<i>Escalated to Termination</i>	Escrow registration data (RAA 3.6)
						Provide WHOIS Services (RAA 3.3.1)
						Pay accreditation fees (RAA 3.9)
30-Mar-16	20-Apr-16	Omnis Network, LLC	143	Breach	Breaches Cured	Complete and provide Compliance Certificate (RAA 3.15)
						Investigate and correct WHOIS Inaccuracy information (RAA 3.7.8)
						Validate and verify WHOIS Contact information (RAA section 4 of WAPS)
						Publish on website description of procedures for the receipt and tracking of abuse reports (RAA 3.18.3)
						Publish on website name and position of officers (RAA 3.17/RIS 17)
30-Mar-16	20-Apr-16	GKG.NET	93	Breach	Breaches Cured	Complete and provide Compliance Certificate (RAA 3.15)
						Publish on website description of procedures for the receipt and tracking of abuse reports (RAA 3.18.3)
						Publish on website home page email address for abuse reports (RAA 3.18.1)
						Display correct ICANN Logo on website (RAA Logo License Appendix)
						Pay accreditation fees (RAA 3.9)
31-Mar-16	21-Apr-16	Domain Train, Inc.	1894	Breach	Breaches Cured	Complete and provide Compliance Certificate (RAA 3.15)
						Pay accreditation fees (RAA 3.9)
31-Mar-16	21-Apr-16	MainReg, Inc.	1917	Breach	Breaches Cured	Complete and provide Compliance Certificate (RAA 3.15)
						Publish on website home page email address for abuse reports (RAA 3.18.1)
						Publish on website description of procedures for the receipt and tracking of abuse reports (RAA 3.18.3)
						Provide domain name data in the specified response format (RAA-RDDS 1.4)
						Publish on website name and position of officers (RAA 3.17/RIS 17)

Please refer to <https://features.icann.org/compliance> for up-to-date information.