

# Internet Corporation for Assigned Names and Numbers Contractual Compliance Update

January – March 2016

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

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## **General Update**

In March 2016, ICANN Contractual Compliance participated in ICANN's 55<sup>th</sup> Public Meeting in Marrakech. The presentations can be found at: <https://meetings.icann.org/en/marrakech55/schedule-table>.

## **Participation in ICANN Policy Development Process**

Contractual Compliance staff supported several policy efforts by attending several face-to-face meetings of Working Groups and discussion panels that were conducted during ICANN55 in Marrakech, and providing feedback regarding the intersection of potential new policy with implementation efforts and Contractual Compliance functions. A list of the sessions includes:

- Privacy & Proxy Services Accreditation Issues (PPSAI) Working Group
- Inter-Registrar Transfer Policy (IRTP), Parts C and D
- Translation and Transliteration of Contact Information Policy Development Process (PDP) Working Group
- Protection of International Governmental Organizations (IGO) and International Non-Governmental Organizations (INGO) Identifiers in all generic top-level domains (gTLDs)
- Rights Protection Mechanisms Review
- New gTLD Subsequent Procedures
- Security Framework related meetings
- Competition, Consumer Trust, and Consumer Choice (CCT) Review

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<sup>1</sup> 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.

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## ***Contractual Compliance Initiatives and Improvements***

### **System Update**

During this period, improvements to Contractual Compliance's complaint processing system included:

- Template updates to reflect newly effective policies (Additional WHOIS Information Policy and WHOIS Clarifications)
- Compliance system updates to allow for the WHOIS Accuracy Reporting System (ARS) import utility to create compliance tickets based on the updated WHOIS ARS report format
- Automation to allow the complaint processing system to accept registry Service Level Agreement (SLA) technical alerts (including semi-automated compliance notices)
- Automation to allow the complaint processing system to generate complaints based on reports from data escrow providers regarding missed or invalid registrar data escrow deposits
- Updated subject headings to follow consistent format for automated closure and confirmation system notifications
- Update to address a bug fix to populate the correct resolved code text in the auto-closure notice for a specific transfer complaint type
- Update to remove a process step for a registrar closure notice when a system WHOIS inaccuracy validation is completed and the ticket is closed

### **Registrar Update**

#### **Annual Compliance Certificate**

During the first quarter of 2016, the Contractual Compliance team monitored to ensure that registrars operating under the 2013 Registrar Accreditation Agreement (RAA) were timely in submitting to ICANN documentation certifying compliance with the terms and conditions of the RAA. Common issues identified were failure to submit a certificate, certifications dated for 2016 (rather than 2015, the previous year), and certificates not signed by authorized signatories. On 3 February 2016 Contractual Compliance began sending inquiries to applicable registrars that had not yet submitted an Annual Compliance Certificate, or had submitted an incomplete Annual Compliance Certificate. If a registrar did not reply, the registrar received a first notice.

- 229 registrars received inquiries or notices.
- 220 of these inquiries were resolved and closed by 31 March 2016.
- 9 inquiries remain open and are in process:
  - Of these, 4 registrars received notices of breach for failure to submit the required certificates.

### **WHOIS Accuracy Reporting System Update**

The Contractual Compliance team supported Phases 1 and 2 of the WHOIS ARS efforts during this period. As previously reported, Phase 1 tested syntactical conformity for WHOIS data. The team reviewed the results from Phase 1, and where appropriate, forwarded to registrars to resolve the WHOIS inaccuracy and/or the WHOIS format issues. Phase 1 complaints are expected to be processed by end of April 2016.

In the first quarter of 2016, the Contractual Compliance team processed 1,226 WHOIS ARS tickets. Of these tickets:

- 1,183 were forwarded to registrars as WHOIS inaccuracy notices.
- 43 were forwarded to registrars as WHOIS format notices.
- 289 remain in process.
- 155 remain to be processed.

For WHOIS ARS Phase 1, 3,168 tickets were created. Of these tickets:

- 1,942 were closed before first notice because the domain names either had already been suspended or the current WHOIS data was not consistent with the sampled data.

WHOIS ARS Phase 2 tested operability. The Contractual Compliance team assisted with the development of the criteria for testing operational accuracy of WHOIS ARS Phase 2, Cycle 2. In addition, the team participated in a webinar reporting the results of WHOIS ARS Phase 2, Cycle 1 (see <https://whois.icann.org/en/file/whois-ars-phase-2-cycle-1-report-webinar-presentation>).

The Contractual Compliance team will begin processing Phase 2, Cycle 1 complaints in April 2016. ICANN expects to process approximately 3,700 WHOIS inaccuracy tickets and 2,300 WHOIS format tickets from WHOIS ARS Phase 2, Cycle 1.

### **Registry Update**

#### **Service Level Agreement Communication Process – Update**

During this quarter, ICANN completed the development of automated registry SLA technical alerts and semi-automated compliance. During the next quarter, implementation of the alerts and notifications will be piloted to ensure accuracy. Upon successful completion of the pilot, the alerts will be put into production and when triggered by SLA downtimes, will be communicated to various registry contacts provided in the Global Domains Division (GDD) Portal.

#### **Annual Certification of Compliance with Code of Conduct, Code of Conduct Exemption and Specification 13 Monitoring**

In late January, Contractual Compliance undertook a review of the approximately 1215 top-level domains with executed Registry Agreements dated 2015 or earlier. Registry operators that met certain conditions were required to submit certifications signed by executive officers, along with the results of their registry operator's internal reviews of compliance, by 20 January 2016. Such registry operators included:

- Those with an executed Specification 13, or Notice of Exemption to the Code of Conduct
- Those who themselves, or through a Registry-Related Party (as defined by Specification 9), also operate as a provider of registrar or registrar-reseller services

On 1 February 2016 Contractual Compliance began sending inquiries to applicable registry operators that had not yet submitted Annual Certifications, or had submitted incomplete Annual Certifications.

- 308 Annual Certification compliance inquiries were sent to registry operators in February 2016:
  - 86 inquiries related to the Annual Certification of Compliance to Registry Operator Code of Conduct
  - 20 inquiries related to the Annual Certification of Compliance to Code of Conduct Exemption
  - 202 inquiries related to the Annual Certification of Compliance to Specification 13
- 303 of these inquiries were resolved and closed by 31 March 2016:

### **Registry Operator WHOIS Format Monitoring**

On 31 January 2016, both the Additional WHOIS Information Policy (<https://www.icann.org/resources/pages/policy-awip-2014-07-02-en>) and the Clarifications to the Registry Agreement and the 2013 Registrar Accreditation Agreement regarding applicable Registration Data Directory Service (WHOIS) Specifications (<https://www.icann.org/resources/pages/raa-whois-accuracy-2015-11-16-en>) became effective. As a result of these implementations, complaint processing related to these WHOIS formatting requirements increased during this quarter. However, the majority of registry operators contacted through ICANN complaints have updated their WHOIS output and are now compliant. Contractual Compliance will continue to monitor compliance in this space and confirm that registry operators have completed implementation.

### **APAC Region – China Outreach**

Contractual Compliance completed a China outreach visit in partnership with the Global Domains Division team. The team visited Beijing, Shanghai, Chengdu and Guangzhou. The outreach was targeted at China registries and registrars, and

approximately 160 representatives attended. It was an opportunity for the contracted parties to collaborate with ICANN on the compliance process, responses to notices and the audit program. Topics presented include abuse, WHOIS inaccuracy, WHOIS format, transfers, Uniform Dispute Resolution Policy (UDRP), and how to communicate with ICANN Contractual Compliance. The sessions were conducted in Chinese. The registrars and registries were appreciative of this outreach and of the ability to interact in their local language.

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### ***Audit Program Update***

#### **Registrar Accreditation Agreement Audit Program Update**

The 2013 RAA audit round, launched on 14 September 2015, is now in the remediation phase. As of 31 March 2016, the audit team has reviewed over 7,100 documents in 11 languages received from 23 countries. The initial audit reports were issued to the contracted parties in February 2016. About 86% of registrars have completed remediation and have received final audit reports. To remediate identified issues, some of the registrars had to implement new controls and processes. A later audit will determine the effectiveness of the remediation. A few registrars are still working with the Contractual Compliance team on the actions required to address the issues identified during the audit.

#### **Registry Agreement Audit Program Update**

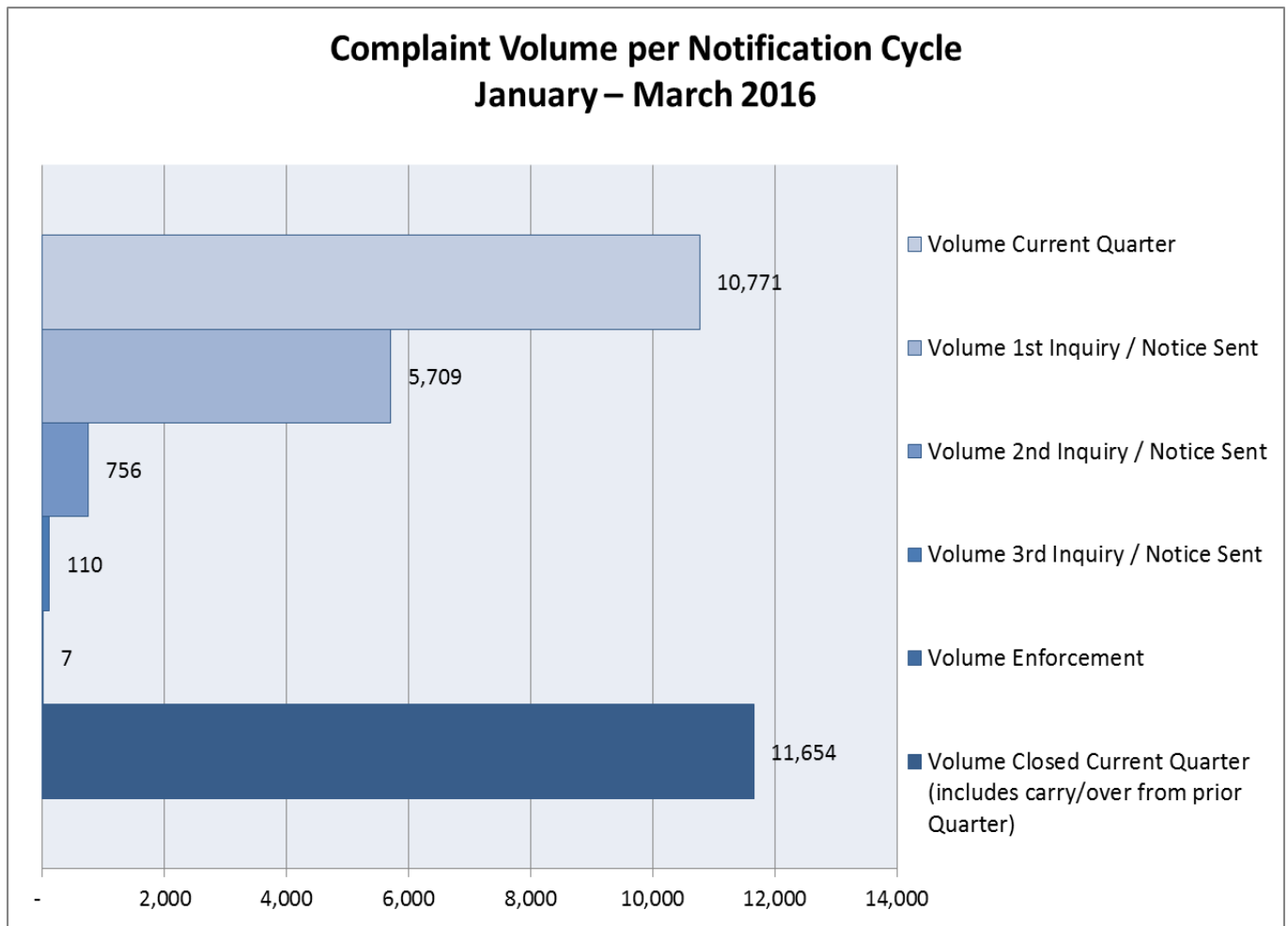
The Registry Agreement audit round, launched on 27 January 2016, is now in the audit phase. Ten registry operators were selected for this audit round; all are cooperating by providing the requested information. Based on the data received to date, most registries undergoing an audit during this round are predominantly in compliance, with generally only minor issues identified for remediation. Initial audit reports are tentatively scheduled to be issued in April 2016.

#### **Date Escrow Audit Effort**

As part of ongoing audit procedures, ICANN monitors registrars' data escrow deposits and works with approved data escrow agents (DEAs) to ensure that required deposits are made on a continuous basis in an RAA-compliant format. Since January 2016, ICANN has requested data escrow deposit audits of approximately 50 registrars. These audits were triggered by the registrar having received a third notice or a Notice of Breach during this period. Upon encountering a deficiency or error in the deposits, the DEA provider notifies ICANN and works with the registrar to fix the error. If, after the registrar has received three notifications from the DEA, there is still an issue with data escrow deposits, ICANN follows up with the registrar via the standard compliance process.

**Complaints Handling and Enforcement Summary**

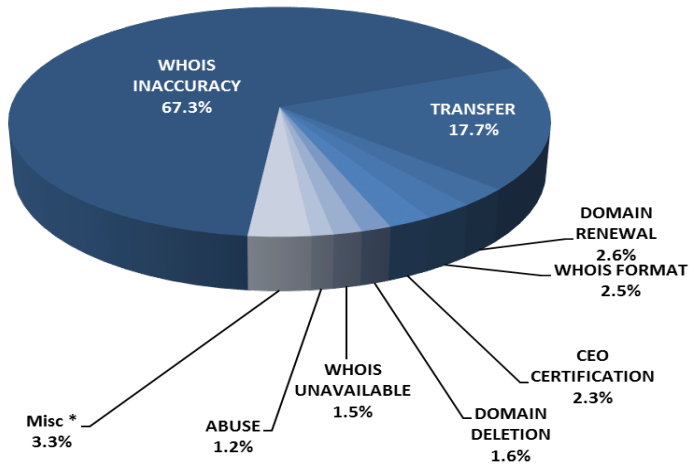
The table below shows the complaint volume as complaints advance through the overall Contractual Compliance Informal & Formal processes.



- **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** = number of tickets closed in the current quarter

**Registrar - Volume Current Quarter** **Jan - Mar 2016**

**Complaint Distribution**



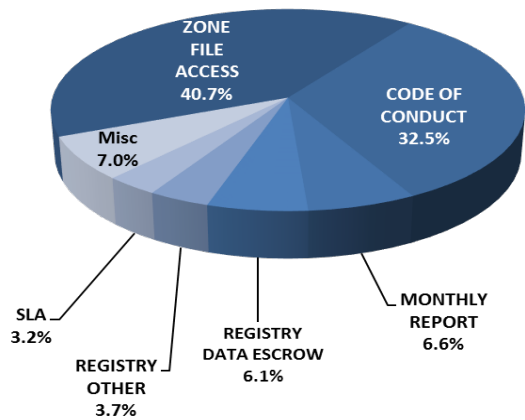
**Complaints**

Type	Quantity	Closed before 1 <sup>st</sup> Inquiry / Notice
ABUSE	114	96
CEO CERTIFICATION	229	0
CUSTOMER SERVICE	59	46
DATA ESCROW	53	0
DNSSEC, IDN, IPV6	5	2
DOMAIN DELETION	156	168
DOMAIN RENEWAL	256	111
FAILURE TO NOTIFY	5	3
PRIVACY/PROXY	13	7
REGISTRAR CONTACT	36	24
REGISTRAR INFO SPEC	28	26
REGISTRAR OTHER	13	3
TRANSFER	1,731	1,384
UDRP	59	35
WHOIS FORMAT	249	178
WHOIS INACCURACY	6,598	3,451
WHOIS SLA	54	34
WHOIS UNAVAILABLE	148	62
<b>Total Complaints Processed</b>		<b>9,806</b>
<b>Total Complaints Closed</b>		<b>10,692</b>
<b>Total Closed before 1<sup>st</sup> Inquiry / Notice</b>		<b>5,630</b>

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

**Registry - Volume Current Quarter** **Jan - Mar 2016**

**Complaint Distribution**



**Complaints**

Type	Quantity	Closed before 1 <sup>st</sup> Inquiry / Notice
ABUSE CONTACT DATA	11	10
BULK ZFA	13	0
CLAIMS SERVICES	1	1
CODE OF CONDUCT	314	9
MONTHLY REPORT	64	2
PIC	4	4
REGISTRY DATA ESCROW	59	0
REGISTRY OTHER	36	25
RESERVED NAMES/CONTROLLED INTERRUPTION	17	9
RR-DRP	15	15
SLA	31	11
URS	6	6
WILDCARD PROHIBITION	1	0
<b>Total Complaints Processed</b>		<b>965</b>
<b>Total Complaints Closed</b>		<b>962</b>
<b>Total Closed before 1<sup>st</sup> Inquiry / Notice</b>		<b>221</b>

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

ENFORCEMENT ACTIVITY for March					
SENT DATE	DUE DATE	REGISTRAR	NOTICE TYPE	STATUS	FAILURE NOTICE BASIS
7-Mar-16		MOBILE.CO DOMAINS CORP.	Suspension	<i>Effective from 24 March 2016 to 22 June 2016</i>	Cure breaches of the RAA within 21 days (5.5.4 RAA)
30-Mar-16	20-Apr-16	GKG.NET	Breach		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)
30-Mar-16	20-Apr-16	Omnis Network, LLC	Breach	Data and Documents Under Review by ICANN	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)
31-Mar-16	21-Apr-16	Domain Train, Inc.	Breach		Complete and provide Compliance Certificate (RAA 3.15)
					Pay accreditation fees (RAA 3.9)
31-Mar-16	21-Apr-16	MainReg, Inc.	Breach		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)
					Pay accreditation fees (RAA 3.9)



ENFORCEMENT ACTIVITIES from PRIOR MONTHS					
11-Feb-16	3-Mar-16	Visesh Infotecnics Ltd. d/b/a Signdomains.com	Breach	Data and Documents Under Review by ICANN; Cure Period Extended Until 16 March 2016; Data and Documents Under Review by ICANN; Cure Period Extended Until 30 March 2016; Data and Documents Under Review by ICANN;	Comply with the UDRP (RAA 3.8)
					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)
					Pay accreditation fees (RAA 3.9)
2-Feb-16	23-Feb-16	MOBILE.CO DOMAINS CORP	Breach	<i>Escalated to Suspension</i>	Escrow registration data (RAA 3.6)
					Provide Whois Services (RAA 3.3.1)
					Pay accreditation fees (RAA 3.9)
30-Oct-15	20-Nov-15	Hosteur SARL	Breach	Breaches Cured	Maintain and provide communication records (RAA 3.4.2/3)
					Validate and verify Whois contact information (RAA/WAPS 1, 2, 4)
					Provide domain name data in the specified response format (RAA-RDDS 1.4)
					Display correct ICANN Logo on website (RAA Logo License Appendix)
24-Sep-15	15-Oct-15	Gesloten Domain N.V.	Breach	Breaches Cured	Pay accreditation fees (RAA 3.9)
					Provide Whois Services (RAA 3.3.1)
					Publish on website name and position of officers (RAA 3.17/RIS 17)
					Publish on website email address for abuse reports (RAA 3.18.1)
9-Nov-15	30-Nov-15	35 Technology Co., Ltd.	Breach	Breaches Cured	Publish on website description of procedures for the receipt and tracking of abuse reports (RAA 3.18.3)
					Maintain and provide communication records (RAA 3.4.2/3)
					Validate and verify Whois contact information (RAA/WAPS 1, 2, 4)
					Publish on website name and position of officers (RAA 3.17 and RIS)
9-Nov-15	30-Nov-15	35 Technology Co., Ltd.	Breach	Breaches Cured	Display renewal/redemption fees (ERRP 4.1)
					Display correct ICANN Logo on website (RAA Logo License Appendix)
					Pay accreditation fees (RAA 3.9)

For up-to-date information, see Reports at:

<https://www.icann.org/resources/compliance-reporting-performance> .