

# **Report on 2010 Annual Whois Data Reminder Policy Contractual Compliance Audit**

## **Executive Summary**

ICANN adopted the Whois Data Reminder Policy (WDRP) <http://www.icann.org/en/registrars/wdrp.htm> on 27 March 2003, which provides:

*At least annually, a registrar must present to the registrant the current Whois information, and remind the registrant that provision of false Whois information can be grounds for cancellation of their domain name registration. Registrants must review their Whois data, and make any corrections.*

The purpose of the WDRP is to remind and encourage registrants to review their Whois data annually and make changes, if necessary.

In 2004, ICANN began reporting on registrar compliance with the WDRP. Since that time, compliance with the WDRP has consistently improved within the registrar community. In the past, ICANN measured registrar compliance with the WDRP by conducting annual surveys, which were not compulsory, wherein questions were posed regarding registrars' Whois data reminder policy practices. In 2010, registrars operating under the 2009 Registrar Accreditation Agreement ("RAA") were required to respond to ICANN's WDRP audit pursuant to Section 3.14.

This Report was prepared based on information obtained through an audit questionnaire emailed to 964 ICANN-accredited registrars on 17 November 2010. At that time, 152 registrars were operating under the 2001 RAA and 812 registrars were operating under the 2009 RAA. After the notices were transmitted, 10 registrars' accreditations were terminated or non-renewed for non-compliance with their RAA before publishing the results of this audit. Therefore, when those 10 registrars were excluded, data relating to 954 ICANN-accredited registrars are included in this Report.

The following are key findings from the 2010 audit questionnaire on the WDRP:

- 99% (945 of 954) of the ICANN-accredited registrars responded to the 2010 WDRP Audit.
- Nine of the 954 ICANN-accredited registrars did not respond. Five of those nine registrars were operating under the 2009 RAA and the remaining four non-responsive registrars were operating under the 2001 RAA.
- 98.4% of the registrars required to send WDRP notices were in compliance with the form and content requirements for the notices.

## **Methodology**

The audit questionnaire<sup>1</sup> was designed to elicit important information about registrar implementation of and compliance with the WDRP. The audit questionnaire was sent to registrars on 17 November 2010 and all registrars were required to respond by 22 February 2011. All registrars that failed to respond by this deadline received several automated compliance notices allowing them additional time to respond before escalated compliance action was taken. The questions covered:

- The size of the registrar (domain names under management)
- The percentage of registrations for which WDRP notices were sent
- The primary and secondary methods of transmitting the notices
- The percent of notices that were undeliverable

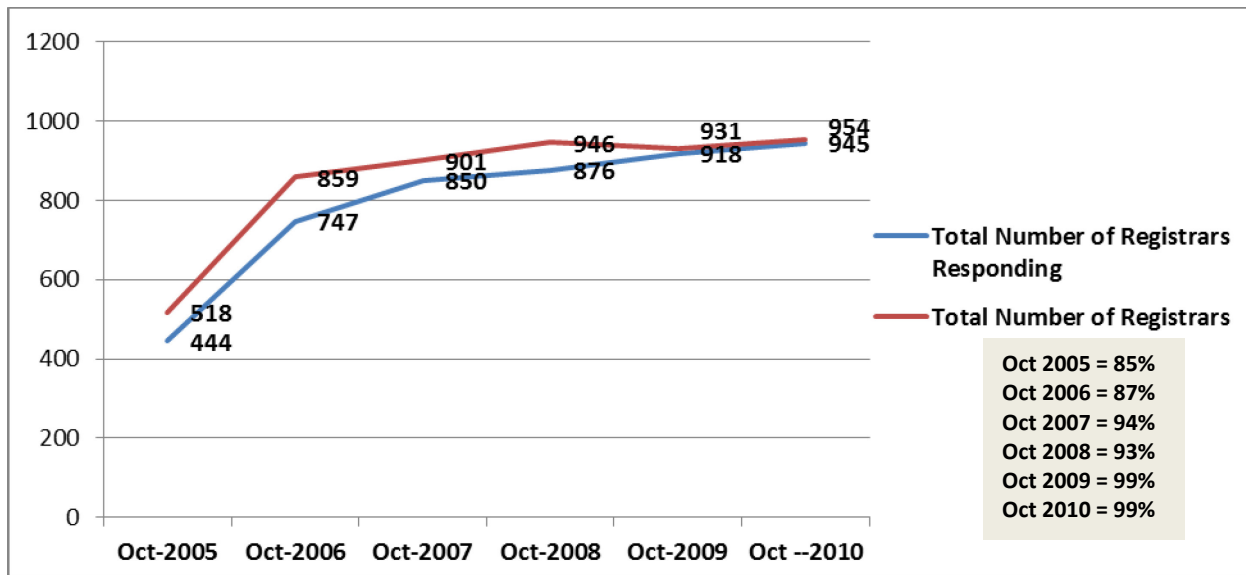
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<sup>1</sup> The audit questionnaire invited registrars to use a free-text box to describe any problems or suggestions for improving the WDRP, the accuracy of Whois data or implementation of the WDRP process. A copy of the 2010 audit questionnaire can be found at <http://survey.icann.org/wdrp-2010.html>.

- The languages(s) in which the notices were sent
- The percent of notices that led to changes in registrant data
- The fields that were most frequently changed following a WDRP notice

Figure 1-1 represents a historical analysis over the past six years of registrar participation in ICANN’s WDRP questionnaires.

**Figure 1-1: Six Year Historical View of Registrar Response Rate against Total Number of Accredited Registrars**



## Audit Participation

ICANN requested that all registrars complete the 2010 WDRP audit questionnaire. ICANN staff proactively attempted to contact all non-responsive registrars using several methods including email, fax and phone calls to improve overall participation by registrars.

A total of 945 registrars (99% of all the ICANN-accredited registrars) responded to the 2010 WDRP audit questionnaire. Table 1-2 represents the estimated total number of gTLD names each registrar that was audited sponsored on 1 January 2010.

**Table 1-2 Estimated Total gTLD Names under Registrar Sponsorship as of 1 January 2010**

Registrar Participation in the 2010 WDRP Survey by Registrar Size	Number of Registrars Responding	Number of Non-responsive Registrars	Total Number of Registrars <sup>2</sup>
0 names	84	2	86
1-999 names	347	1	348
1,000-9,999 names	288	2	290
10,000 - 99, 999 names	140	3	143
100,000 - 999,999 names	67	1	68
1,000,000+ names	19		19
<b>Total</b>	<b>945</b>	<b>9</b>	<b>954</b>

<sup>2</sup> 10 registrars that were terminated or non-renewed prior to publication of this report were excluded from the audit results.

All ICANN-accredited registrars are contractually obligated to comply with the WDRP. Registrars that are actively selling domain names are required to provide each registrant with a reminder notice containing the relevant Whois data before the anniversary of the creation date of each registration.

Each year registrars are required to send a WDRP notice to all registrants with registrations more than one year old. Registrars are not required to send WDRP notices to registrants with new registrations until just before the one-year anniversary of the creation date of the domain name.

### Registrar Compliance

Compliance with the WDRP was assessed using two sources: (i) the audit questionnaire responses; and (ii) the sample WDRP notices provided to ICANN by responsive registrars. The audit questionnaire was designed to measure two primary compliance benchmarks: (i) whether required WDRP notices were transmitted to registrants; and (ii) whether the notices contained substantive information required by the WDRP.

For registrars actively selling domain names and obligated to send WDRP notices, Table 1-3 details the number of notices sent, according to registrar size.

**Table 1-3 Percentage of Registrants to Whom Each Registrar Sent WDRP Notices**

Registrar Size	Percentage of Registrants To Whom Each Registrar Sent Notices					
	0%	<5%	<100%	100%	Not Determined	Total
<1000	4		4	338	1	347
1,000-9,999	1	4	5	280	2	292
10,000 - 99,999	4		10	121	1	136
100,000 - 999,999			10	55	2	67
1,000,000 or more				18	1	19
Total	9	4	29	812	7	861

When the 84 registrars that reported not having domain names under management and the nine registrars that reported having gTLD registrations for less than one year and had not sent any WDRP notices in 2010 were removed from the data set, 852 of the registrars that responded were responsible for sending WDRP notices.

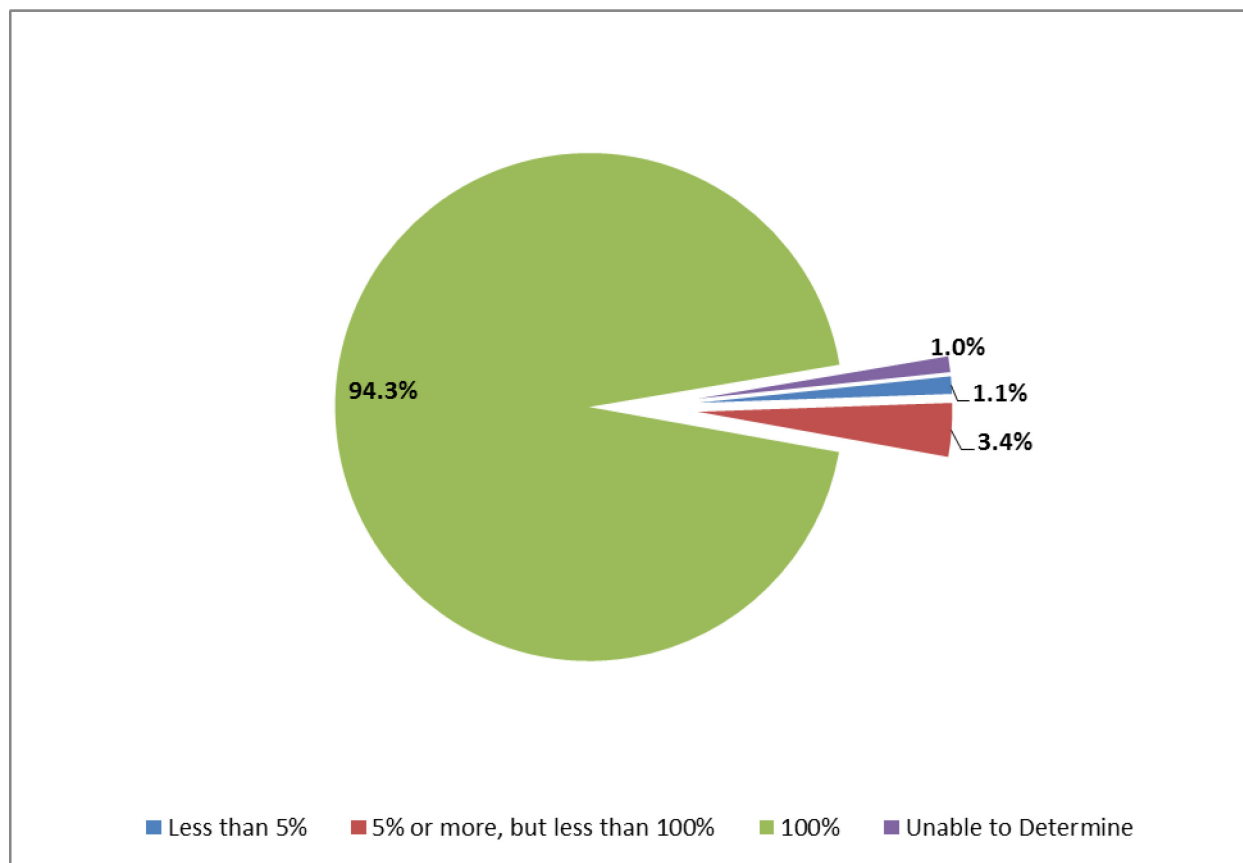
As reflected in the above chart, 812 registrars reported that they sent WDRP notices to all of their registrants. Of the 33 registrars who reported sending WDRP notices to less than all of their registrants, 25 had legitimate explanations for their actions; four reported having technical challenges that were later corrected; and the remaining four registrars misunderstood the question.

### Percentage of Registrants To Whom Each Registrar Sent WDRP Notices

In addition to asking registrars whether they sent notices, the audit also asked registrars for an estimate of the percentage of notices they sent in relation to the number of registrations the registrar sponsored. The audit allowed registrars to indicate whether they sent WDRP notices to: (1) 0% of registrants; (2) less than 5% of registrants; (3) 5% or more, but less than 100% of registrants; or (4) 100% of registrants. (As noted earlier, registrars also had the option to indicate that they could not determine the number of WDRP notices they sent.)

Figure 1-4 represents the total number of registrars required to send WDRP notices<sup>3</sup>

Figure 1-4 Registrants Sent WDRP Notices (by registrars required to send notices)



When registrars that were not yet obligated to send WDRP notices were removed from the data set, a great majority (94.3%) of the remaining registrars reported that they had sent notices to 100% of their registrants. Approximately 3.4% of obligated registrars sent notices to 5% or more and less than 100% of their registrants, approximately 1.1% sent notices to less than 5% of their registrants, and approximately 1% of registrars were unable to determine how many notices were sent.

### Communication Methods Registrars Used to Send WDRP Notices

Registrars responding to the audit were also asked to identify their primary means for communicating WDRP notices. As in previous years, email proved to be the most commonly used method.

Table 1-5 shows the WDRP notice communication methods used by registrars.

Table 1-5 Primary Communication Methods Used by Registrars

Web	(.7%) 6
Fax	
Postal Mail	
Email	(98.6%) 840
Other	(.7%) 6
Total	100% (852)

Primary method of communicating WDRP notices, by percentage of registrars using each method.

<sup>3</sup> Percentages may not appear to add up to 100% due to rounding.

Registrars were asked to identify secondary methods used for communication of WDRP notices. Their responses appear in Table 1-6.

**Table 1-6 Secondary Communication Methods Used by Registrars**

Web	(7%) 59
Fax	(1%) 9
Postal Mail	(2%) 17
Email	(61%) 504
Other	(29%) 244
Total	(100%) (833)

Secondary method of communicating WDRP notices, among registrars indicating that they used a secondary method.

Registrars were asked to indicate the percentage of WDRP notices that were returned as undeliverable in order to evaluate the potential effectiveness of each method of communication provided in Table 1-7.

**Table 1-7 Percentage of Undeliverable WDRP Notices**

Primary Method of Sending	Percentage of WDRP Notices that were Undeliverable					Grand Total
	<1%	<10%	<50%	50%	Unknown	
Web	2	1			3	6
Fax						
Postal Mail						
Email	262	81	6	3	488	840
Other	6					6
Total	270	82	6	3	491	852

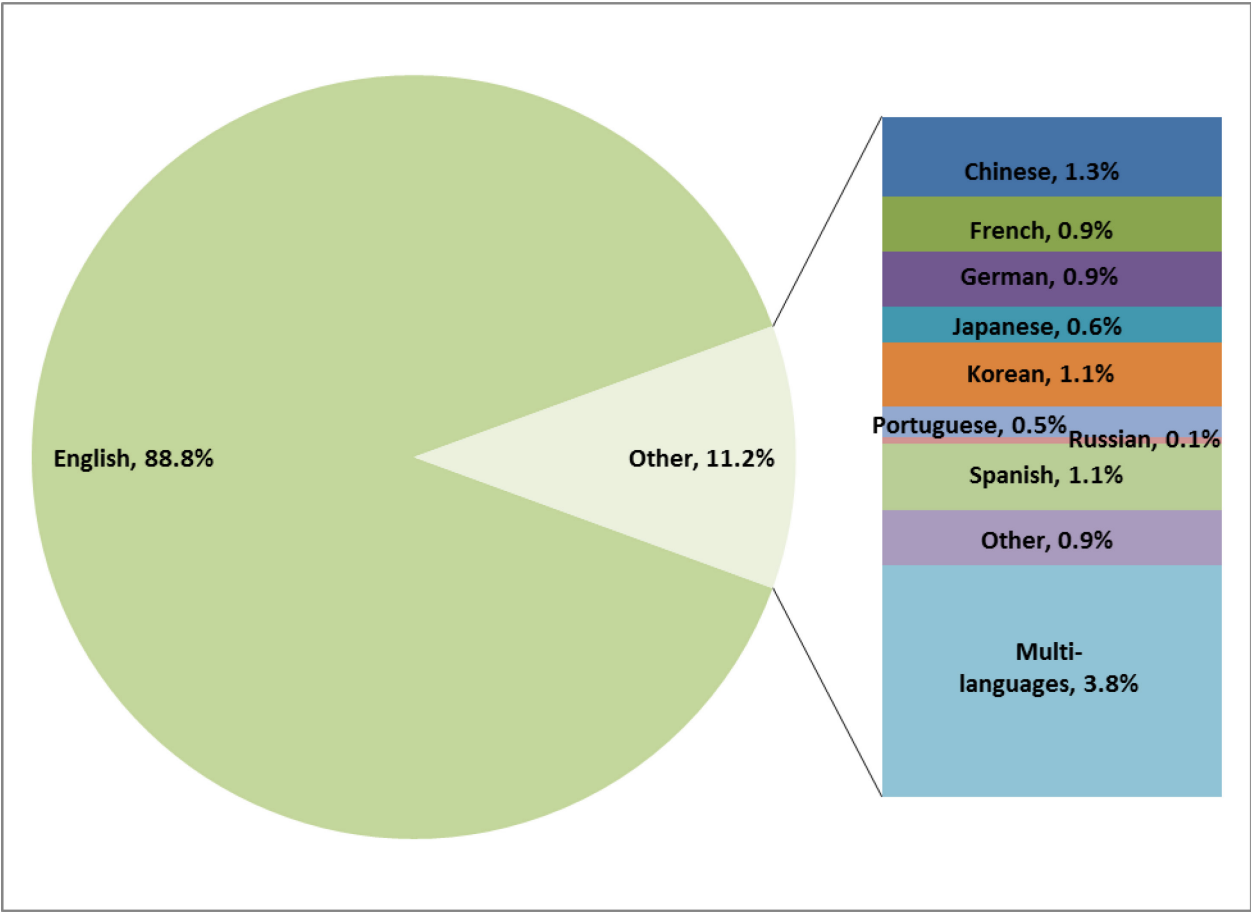
The data shows that most messages were received by registrants, but the majority of responding registrars said they were unable to count undeliverable messages. As demonstrated, 39% of registrars could measure the success of their communication efforts.

### Language of WDRP Notices

Registrars reported transmitting WDRP notices in several languages, with English being the most common.

Figure 1-8 details the primary languages used by registrars to transmit WDRP notices.

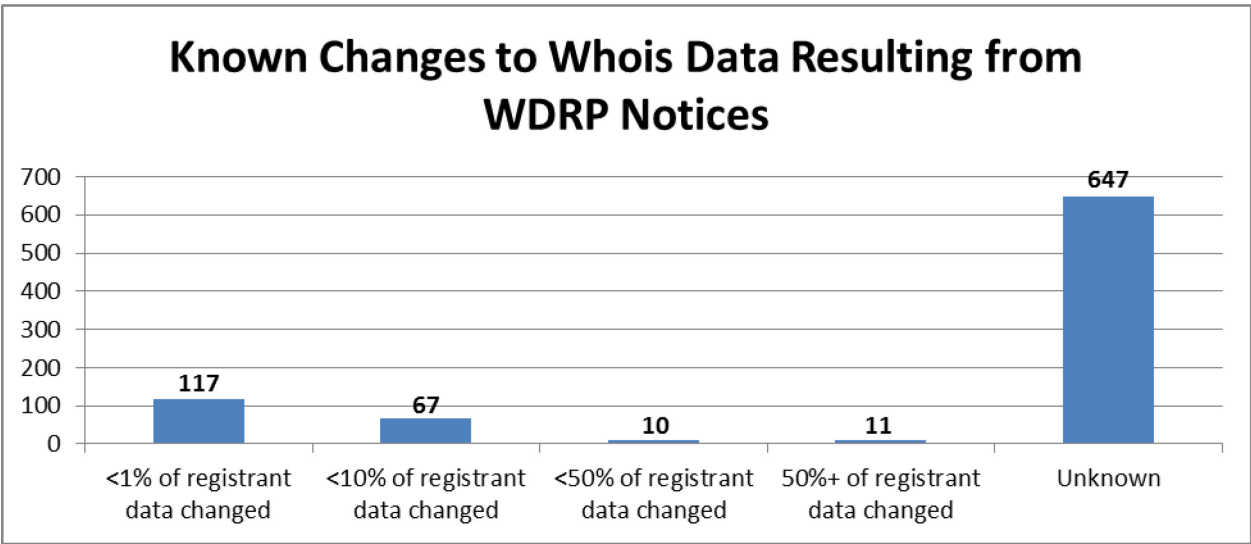
Figure 1-8 WDRP Notice Primary Language



Changes to Whois Data

As Figure 1-9 shows, when asked to what extent WDRP notices improved Whois data accuracy, registrars responded most frequently that they did not know or could not determine this information. Changes resulting from WDRP notices that were tracked by registrars are shown in Figure 1-9.

Figure 1-9 Known Changes to Whois Data Resulting from WDRP Notices



Approximately 76% or 647 of responding registrars said they could not track the changes resulting from the WDRP notices. Changes resulting from WDRP notices that were tracked by registrars are shown in Figure 1-9.

## Content of Notices

In 2010, 797 registrars followed the audit questionnaire's instruction to provide ICANN with a sample WDRP notice. Registrars that may have been in operation for less than a year or had no registrations under their management for a full year were removed from the data set. A total of 93 registrars were not responsible for sending notices. ICANN found that:

- 84 registrars reported having zero names under management.
- Nine registrars reported not having domain names under management for a complete year.
- 861 registrars had gTLD names under management for at least a year and were required to send a sample WDRP notice.
- 797 of 861 registrars submitted a sample WDRP notice.
- 98.4% (784 of 797) of the registrars that submitted notices were found compliant with form and content requirements.
- 1.6% (13 of 797) of those registrars did not comply with the form and content requirements.

Registrars were asked to send a copy of an actual WDRP notice to ICANN for review. Each WDRP notice must contain: (i) a copy of the data elements listed in Section 3.3.1 of the RAA; and (ii) a statement reminding the registrant that the provision of false Whois information can be grounds for cancellation of a domain name registration. Section 3.3.1 requires the following data elements: (i) the domain name; (ii) the primary name server and secondary name server(s); (iii) the identity of the registrar; (iv) the original creation date of the registration; (v) the expiration date of the registration; (vi) the name and postal address of the registrant; (vii) the name, postal address, email address, voice telephone number, and (where available) fax number of the technical contact for the domain name; and (viii) the name, postal address, email address, voice telephone number, and (where available) fax number of the administrative contact for the domain name.

ICANN examined the sample notices to determine whether they complied with the WDRP content requirements stated above, including providing the registrant with the current Whois data by actual text or a link and providing a warning to the registrant that provision of false Whois data could be grounds for cancellation of the domain name.

In reviewing the 797 sample WDRP notices provided, ICANN discovered that 13 of the 797 registrars (1.6%) did not comply with the requirements of the WDRP. ICANN contacted all 13 registrars indicating that they had non-compliant WDRP notices; three registrars corrected their notices immediately. The remaining ten have been in contact with ICANN and are making efforts to correct the noted problems, but further reviews by ICANN are necessary to deem these registrars compliant. Eight registrars were found to be compliant but directed their customers to contact ICANN directly for any questions or comments about the WDRP. Those registrars were asked to refer their customers to ICANN's frequently asked questions for more information about the WDRP at: <http://www.icann.org/en/whois/wdrp-registrant-faq.htm>.

## Registrar Comments

Registrars responding to the audit had the option to provide a description of any problems encountered throughout the WDRP process. The majority of registrars indicated there were no problems, while others raised concerns or made suggestions for improvement. Highlights of the audit questionnaire responses are provided below.

A few registrars made comments about improving Whois accuracy. One registrar stated that, "Accuracy would be improved by performing some type of third party validation (either via digital ID, or by registrants submitting digital copies of photo identification and/or corporate details depending on the registration). Such measures would lead to an increase in factual information presented to the registrar, and consequently, an increase in Whois data accuracy." Another registrar said, "Registrants would be less likely to supply fraudulent information if Whois were private. There is absolutely no reason for Whois to be publicly available."

A few registrars felt registries should take an active role in the WDRP process and suggested that “One interesting method for improving the accuracy of Whois data would be to delegate this responsibility to the registry. Forcing registries to interact better with registrants.” While another registrar said, “WHOIS contacts should be maintained by registry database - to ensure that the registry/registrar model becomes a universally adapted system.... If the registry was required to hold contact information, the registry would also have the means to send out such notices too - although the registrar could still easily implement the reminder system with the registry being the maintainer of the record. The onus should then be on the registrar to follow up any WDRP emails that could not be sent.”

Another registrar suggested that, “Each domain holder must approve the Whois accuracy each year with some kind of 'FOA email' (including a link) - otherwise the domain name must be cancelled by the registrar (including the EDDP).”

## **Conclusion**

In 2010, ICANN found that 99% of ICANN-accredited registrars required to send WDRP notices are fulfilling their obligation. The WDRP registrar participation rate has remained at 99% since 2009. In 2010, of those registrars required to send WDRP notices, 98.4% were found compliant with notice content requirements compared to a 99% compliance rate in 2009. Although the registrar compliance percentage rate concerning notice content requirements declined slightly in 2010, more registrars submitted sample notices in 2010 than in 2009. All registrars that were found non-compliant with notice content requirements were notified of their non-compliance and given an opportunity to cure. Only a small number of registrars (ten) remain under review by ICANN to assess registrar compliance with notice content requirements.

The purpose of the WDRP is to encourage registrants to review their Whois data on an annual basis and make corrections, if necessary. Section 3.14 of the 2009 RAA <http://www.icann.org/en/registrars/ra-agreement-21may09-en.htm> requires registrars to comply with ICANN-conducted registrar audits. The WDRP Contractual Compliance Audit is intended to assess whether registrars are sending the required WDRP notices to their registrants. Registrars operating under the 2009 RAA that did not respond to ICANN’s multiple requests to complete the WDRP audit questionnaire were subject to escalated compliance action. A comprehensive review of all areas of non-compliance is underway concerning the non-responsive registrars operating under the 2001 RAA.

The registrar community appears to take its WDRP responsibilities seriously. To better assess the effectiveness of this Consensus Policy, ICANN is analyzing ways to capture data concerning the percentage of registrants who make changes to their Whois data as a result of receiving a WDRP notice. Registrar support is necessary to capture this important data and ICANN will work collaboratively with the registrar community over the coming months to determine the most efficient and effective way to capture this data. All registrars are encouraged to provide comments on any proposed plan for capturing this data.

ICANN is committed to improving Whois data accuracy and will continue to enforce the WDRP. Registrars should refer their customers to ICANN’s frequently asked questions for more information about the WDRP at <http://www.icann.org/en/whois/wdrp-registrant-faq.htm>.