



2011 Whois Data Reminder Policy Audit Report

Executive Summary

In January 2012, ICANN commenced the Whois Data Reminder Policy (WDRP) audit to assess whether registrars met the WDRP requirements during 2011.

The WDRP requires registrars to remind registrants to review their WHOIS data and make any corrections. More specifically, the WDRP requires ICANN-accredited registrars to, at least annually, present to the registrant the current Whois information associated with their domain name. Registrars must also remind the registrant that provision of false Whois information can be grounds for cancellation of their domain name registration.

The audit requires registrars to respond to a questionnaire and to provide copies of registration agreements and sample reminders to ICANN.

Key findings of the 2011 audit are:

- Audit response rate: 97 percent
- WDRP notice content compliance rate: 93 percent
- WDRP notice language compliance rate: 96 percent
- Enforcement actions: six notices of breach and one notice of termination issued

ICANN issued six notices of breach for registrars that failed to respond to the 2011 audit. Five of them have since cured the breach. A notice of termination has been issued to one registrar for failure to complete the audit and failure to pay ICANN accreditation fees. All the notices are published at: <http://www.icann.org/en/resources/compliance/notices>.

Background

The ICANN Board adopted the WDRP as a consensus policy on 27 March 2003. Since then, ICANN has been conducting an annual audit (based on the audit provision in the 2009 Registrar Accreditation Agreement (RAA)) to determine whether registrars complied with their WDRP obligations during the previous year.

This year, ICANN changed the WDRP audit questionnaire and methodology from previous years.

In response to the feedback received from the registrars and the Whois Policy Review Team¹ and to better align with the RAA requirements and the current ICANN process, the following changes were made:

1. The questionnaire (see **Appendix A**) was reduced from 10 questions to four questions and all these questions have been reworded;
2. The timeframe for registrars to complete the questionnaire was shortened to 15 days;
3. Registrars were required to provide additional information to substantiate their responses; and
4. Sample reminders provided by registrars were reviewed to assess registrar compliance with other WDRP requirements in terms of content and language.

Audit Criteria and Notices to Registrars

Registrars that met the following criteria were required to complete the 4-question audit questionnaire and submit a sample WDRP notice to ICANN.

1. Accredited under the 2009 RAA as of 1 January 2011; and
2. Sponsored a domain name for minimum 12 months at any time between 1 January 2011 and 31 December 2011.

ICANN, applying the compliance process, made three attempts, including via email, telephone and fax, to give notice to registrars that they were required to participate in the audit.

Audit Response

The audit request was sent to 1000 ICANN-accredited registrars. Of the 916 registrars required to participate, 889 registrars completed the audit

¹ The Whois Policy Review Team was constituted under ICANN's Affirmation of Commitments with the U.S. Department of Commerce. A copy of its Final Report and Recommendations to the ICANN Board is available at: <http://www.icann.org/en/news/public-comment/whois-rt-final-report-11may12-en.htm>.

questionnaire and provided sample WDRP notices. This represents a 97 percent response rate.

This was a two percent decrease from the 2010 WDRP audit, which was 99 percent. The decrease in the response rate may be attributed to the shorter response window and the request for additional supporting documentation (i.e., copies of registration agreements).

WDRP Requirements and Findings

The notes attached to the WDRP available through the link, <http://www.icann.org/en/resources/registrars/consensus-policies/wdrp> prescribe additional requirements, including those listed below:

What the WDRP Notice Must Include: Each WDRP notice must include a copy of the data elements listed in RAA subsection 3.3.1 as contained in the registrar's database for each registration. Also each must include a statement reminding the registrant that under the terms of the registration agreement the provision of false Whois information can be grounds for cancellation of a domain name registration.

How, and to Whom, the WDRP Notice May Be Presented: The WDRP Notice can be presented via web, fax, postal mail, e-mail, or other appropriate means. It can be presented in one or more languages, including at least the language of the registration agreement. The Notice may be presented to the registrant either directly or through the administrative contact for each registration.

As part of the 2011 audit, ICANN reviewed the sample reminders provided by registrars to assess whether the reminder notices met the above content and language requirements and below are the findings:

WDRP notice content compliance

- 830 registrars met the requirement
- 59 registrars did not demonstrate compliance with the requirement

WDRP notice language compliance

- 849 registrars met the requirement
- 40 registrars did not demonstrate compliance with the requirement

Registrars' Whois Data validation tools and process

Staff made two key changes to the 2011 audit questionnaire. First, we asked registrars what tools or processes they have in place to ensure that registrants provide and maintain accurate and reliable contact details. Second, we asked how registrars deal with Whois inaccuracy issues. The registrars' responses to the multiple-choice question in number and percentage are below.

Figure 1 - Registrars' Tools/Processes to Ensure and Maintain Whois Accuracy - #4

Number of registrars responded "yes" to...	Multiple Choice Answers
174	(a) We use an automated tool to verify the Whois contact details provided by the registrant at the point of registration
145	(b) We manually review and verify the Whois contact details provided by the registrant at the point of registration.
588	(c) We regularly verify Whois contact details.
21	(d) We delete the domain name if the annual reminder we sent to the registrant is undeliverable.
291	(e) We delete the domain name if we find willful provision of inaccurate or unreliable information by the registrant.
422	(f) We delete the domain name if the registrant fails to respond for over 15 calendar days to inaccuracy inquiries.
90	(g) None of the above.

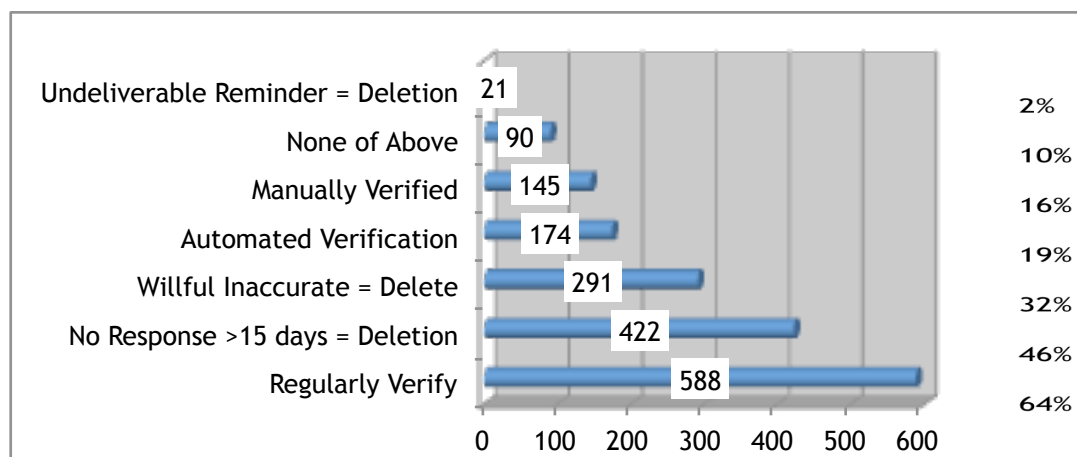


Figure 2 - Registrars' Tools/Processes to Ensure and Maintain Whois Accuracy

Conclusions

Many in the ICANN community believe that the WDRP, as a policy, has not been and is unlikely to be effective in improving overall Whois accuracy. Registrars have repeatedly told ICANN that they cannot and do not track changes made to Whois data that are attributed to or are a result of the annual reminders required by the WDRP.

The AOC Whois Review Team recommended that ICANN consider abolishing the WDRP and developing a new policy on annual verification of registrant contactability or Whois data. (For more information, see Recommendation #9 in the AOC Whois Review Team's Final Report at <http://www.icann.org/en/news/public-comment/whois-rt-final-report-11may12-en.htm>.)

For the reasons mentioned above, ICANN does not plan to conduct further WDRP audits as a standalone audits. The WDRP audit will be either part of a greater audit or abolished altogether.

Appendix A

2011 WDRP Questionnaire

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2011 Annual Whois Data Reminder Policy Contractual Compliance Audit

Assessment Period: 1 January 2011 to 31 December 2011
Response Due Date: 12 February 2012

Notice from ICANN to:
Registrar: \$db{name}
IANA-ID: \$db{ianaid}

This is an audit request from the Internet Corporation for Assigned Names and Numbers ("ICANN") pursuant to Section 3.14 of the 2009 Registrar Accreditation Agreement <http://www.icann.org/en/registrars/ra-agreement-21may09-en.htm> ("RAA").

The purpose of this audit is to assess whether your registrar was in compliance with the Whois Data Reminder Policy <http://www.icann.org/registrars/wdrp.htm> ("WDRP") during the Assessment Period.

Please carefully review and respond to each question and provide the documentation requested by ICANN.

All information provided by your registrar in response to this audit request must be complete, accurate, and reliable. Provision of inaccurate information or making misrepresentations or misleading statements in response to the questions may lead to a comprehensive compliance audit conducted by ICANN.

If you have questions concerning completing the audit, please send an e-mail to compliance@icann.org. Please place "2011 WDRP AUDIT QUESTION" in the subject line.

1. According to the WDRP, your registrar must provide, before the passage of the anniversary of the creation date of each registration a WDRP notice to the registrant for that registration. Please indicate

below the percentage of such registrations that the registrants were provided with the required WDRP notices during the assessment period.

- ☐ a. less than 100%
- ☐ b. 100%
- ☐ c. Unable to readily determine this information

2. Did all the WDRP notices your registrar sent to the registrants state that the provision of false Whois information can be grounds for cancellation of their domain name?

- ☐ Yes
- ☐ No

3. Did your registrar provide a WDRP notice to each registrant in the same language as the registration agreement?

- ☐ Yes
- ☐ No

4. Please tick the boxes below to indicate the tools or processes that your registrar has in place to ensure that registrants provide and maintain accurate and reliable contact details:

- ☐ a. We use an automated tool to verify the Whois contact details provided by the registrant at the point of registration.
- ☐ b. We manually review and verify the Whois contact details provided by the registrant at the point of registration.
- ☐ c. We regularly verify Whois contact details.
- ☐ d. We delete the domain name if the annual reminder we sent to the registrant is undeliverable.
- ☐ e. We delete the domain name if we find willful provision of inaccurate or unreliable information by the registrant.
- ☐ f. We delete the domain name if the registrant fails to respond for over fifteen (15) calendar days to inaccuracy inquiries.
- ☐ g. None of the above.

5. Please send or upload the following:

5.1. Sample copy of your registrar's registrant-registrar registration agreement.

5.2. Sample copy of your registrar's WDRP Notice.

(Registration agreements and WDRP notices can be uploaded in plain text, HTML, Microsoft Word, or PDF file using the above form elements. The uploaded file must include versions for each language that your registrar has a registration agreement and/or sent a WDRP notice.)

(Note regarding file uploads: Filenames must not include special characters or spaces (the allowed characters are "-", "_", "A"-"Z", "0"-"9", "a"-"z", and "."). Your system must correctly report the content type of the file.)

THANK YOU FOR YOUR PROMPT RESPONSE