

# Internet Corporation for Assigned Names and Numbers Contractual Compliance Update

April – June 2017

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

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## **General Update**

In May 2017, the Contractual Compliance team participated at the Global Domains Division (GDD) Summit, in Madrid, Spain. The team attended sessions related to Data Privacy/Protection Issues, Registration Data Access Protocol (RDAP), ICANN Process Documentation Initiative, and Engaging with ICANN and GDD for New Registries. In addition, the Contractual Compliance team conducted a Round Table with the Consumer Safeguards Team and Complaints Officer.

In June 2017, the Contractual Compliance team participated at ICANN59, ICANN's Policy Forum, in Johannesburg, South Africa. The team attended the sessions of the Governmental Advisory Committee (GAC); Generic Names Supporting Organization (GNSO); Public Safety Working Group; Cross-Community Working Group; and Competition, Consumer Choice, and Consumer Trust Review Team. For more information, see <https://www.icann.org/resources/compliance/outreach>.

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## **Contractual Compliance Initiatives and Improvements**

During this quarter, the ICANN organization published a new infographic about domain name renewal at <https://www.icann.org/resources/pages/compliance-2012-02-25-en>. The goal is to provide a clear and simplified description about the importance of domain renewal, how to file a complaint with ICANN Contractual Compliance, and filing tips. In addition, the ICANN organization added a new *Learn More* related to lost domains at <https://www.icann.org/resources/pages/management-2013-05-03-en>. It informs domain name registrants about the common issue of lost domains by giving common scenarios and suggesting steps to take when a domain is lost. In addition, the ICANN organization is in the process of including this information in the WHOIS-related *Learn More* pages and complaint forms. This is intended to help reporters avoid filing complaints that are out of scope for these complaint types.

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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.

## System Update

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

- Updates to closure codes to improve clarity by providing additional information to the reporters
- Updates, based on feedback and new scenarios, to reporter and contracted templates to improve communications related to transfer complaints
- New content about lost domain names and link in reporter templates for information about domain deletion, domain renewal, and unauthorized transfer complaints
- Ability to capture more granularity about the category of complaint received in the abuse, transfer, and WHOIS inaccuracy complaint types
- Ability to identify complaints that receive inquiries, notices, or both
- Updates to increase internal visibility to email rejection notices received by the complaint processing system from third party email addresses that are incorrectly formatted

## Participation in ICANN Policy Development Process

During this quarter, ICANN's Contractual Compliance team continued to participate in the Policy Development Process (PDP) working groups and reviews. Most efforts focused on:

- Thick WHOIS
- Privacy/Proxy Services Accreditation Implementation
- Competition, Consumer Trust, and Consumer Choice Review
- New Generic Top-Level Domain (gTLD) Subsequent Procedures
- Translation and Transliteration of Contact Information

## Registrar Update

### Transfer Policy

The ICANN organization continued to process transfer complaints under the new [Transfer Policy](#), which became effective 1 December 2016. More information about the Transfer Policy is at <https://www.icann.org/resources/pages/registrars/transfers-en>.

The most common issues arising under the Transfer Policy are:

- Reporters are not aware that making a material change to registrant information will result in a 60-day lock for a Change of Registrant.
- Reporters and registrars are not aware that once a 60-day lock is applied, it cannot be removed.
- If registrars provide the option to opt out of the 60-day lock, they must do so before a Change of Registrant is completed.
- Reporters are not aware that the designated agent may approve a Change of Registrant without informing the registrant.

As previously reported, on 1 May 2017, ICANN began sending notices instead of inquiries for transfer complaints to registrars when there are identified areas of noncompliance, including failure to respond to an inquiry. For more information about the ICANN Contractual Compliance approach and process, see <https://www.icann.org/resources/pages/approach-processes-2012-02-25-en>.

### **WHOIS Accuracy Reporting System**

During the quarter, the Contractual Compliance team began processing WHOIS Accuracy Reporting System (ARS) Phase 2, Cycle 4 complaints. More information about WHOIS ARS Phase 2, Cycle 4, is at <https://whois.icann.org/sites/default/files/files/Whois-ars-phase-2-report-cycle-4-12June17.pdf>. In response to community requests, ICANN is now publishing the WHOIS ARS compliance metrics at <https://whois.icann.org/en/whoisars-contractual-compliance-metrics>.

### **Domain Name Registrants**

The Contractual Compliance team contributed to a cross-functional ICANN team to provide information and engage domain name registrants. A new section was published on the ICANN website at <https://www.icann.org/resources/pages/domain-name-registrants-2017-06-20-en>. Additional information about this initiative is at <https://www.icann.org/news/blog/informed-and-active-domain-name-registrants-are-essential-for-a-secure-and-stable-dns>.

## **Registry Update**

### **Processing of Compliance Matters Related to Registry Operators**

During this quarter, there was increased compliance activity resulting from ICANN's Service Level Agreement (SLA) Monitoring system. Approximately 25 automated alerts were issued to registry operators for Domain Name System (DNS) downtimes. Registry operators are required to meet technical SLAs defined by the registry agreement. Failure to resolve downtimes before they reach certain thresholds may lead to ICANN's transition of the top-level domain (TLD) to an emergency interim registry operator (EBERO) and a notice of breach.

The ICANN organization also continued to process complaints about requests for zone file access in the Centralized Zone Data Service (CZDS) and registry operators' failure to timely submit data escrow notifications and monthly reporting. Registry operators on the new gTLD base registry agreement are reminded that they must provide zone file access to third parties via requests received in the CZDS. Additionally, they must submit to ICANN the required daily escrow deposit notifications and monthly transaction and activity reports for each TLD within 20 days of the end of each calendar month.

This quarter, the ICANN Contractual Compliance team also processed referrals from ICANN Technical Services regarding controlled interruption wildcard record violations. Approximately 45 TLDs were found to have activated names (other than nic.tld) in the DNS, while controlled interruption wildcard records continued to exist in their zone file.

### **Approval of Global Amendment to Base New gTLD Registry Agreement**

In May 2017, the ICANN Board approved the global amendment to the Base New gTLD Registry Agreement (<https://www.icann.org/resources/board-material/resolutions-2017->

[05-18-en#2.a](#)). The amendment will be effective 31 July 2017. During this quarter, the Contractual Compliance team took steps to align its operations with the amendments by updating templates, outreach materials, and internal training documentation. Details regarding the approved amendment, including a Frequently Asked Questions (FAQ) document, can be found at <https://www.icann.org/resources/pages/global-amendment-base-new-gtld-registry-agreement-2017-01-23-en>.

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### **Audit Program Update**

The Contractual Compliance Audit Program is ongoing. Typically, ICANN conducts two rounds of audits a year for registrars and two for registries. As of the end of June 2017, ICANN has completed the second round of registrar audits and is in the final stage of the second round of registry audits. An update for each type of audit is provided below.

#### **Registrar Accreditation Agreement Audit (Launched 4 October 2016)**

The Audit team issued final individual audit reports to each auditee in May to June 2017. A final consolidated Registrar Audit Report was published in June 2017 at <https://www.icann.org/en/system/files/files/compliance-registrar-audit-report-2016-20jun17-en.pdf>.

#### **Registry Accreditation Agreement Audit (Launched 23 January 2017)**

The audit in this round is inclusive of TLDs that are subject to safeguards applicable to Category 1 gTLDs (consumer protection, sensitive strings, and regulated markets). The auditees have received and responded to initial audit reports. By the end of June, the Audit team reviewed the responses, closed the audit for eight auditees, and issued final audit reports to these auditees. The other TLDs are working with the Audit team to resolve the remaining items noted in their initial audit reports.

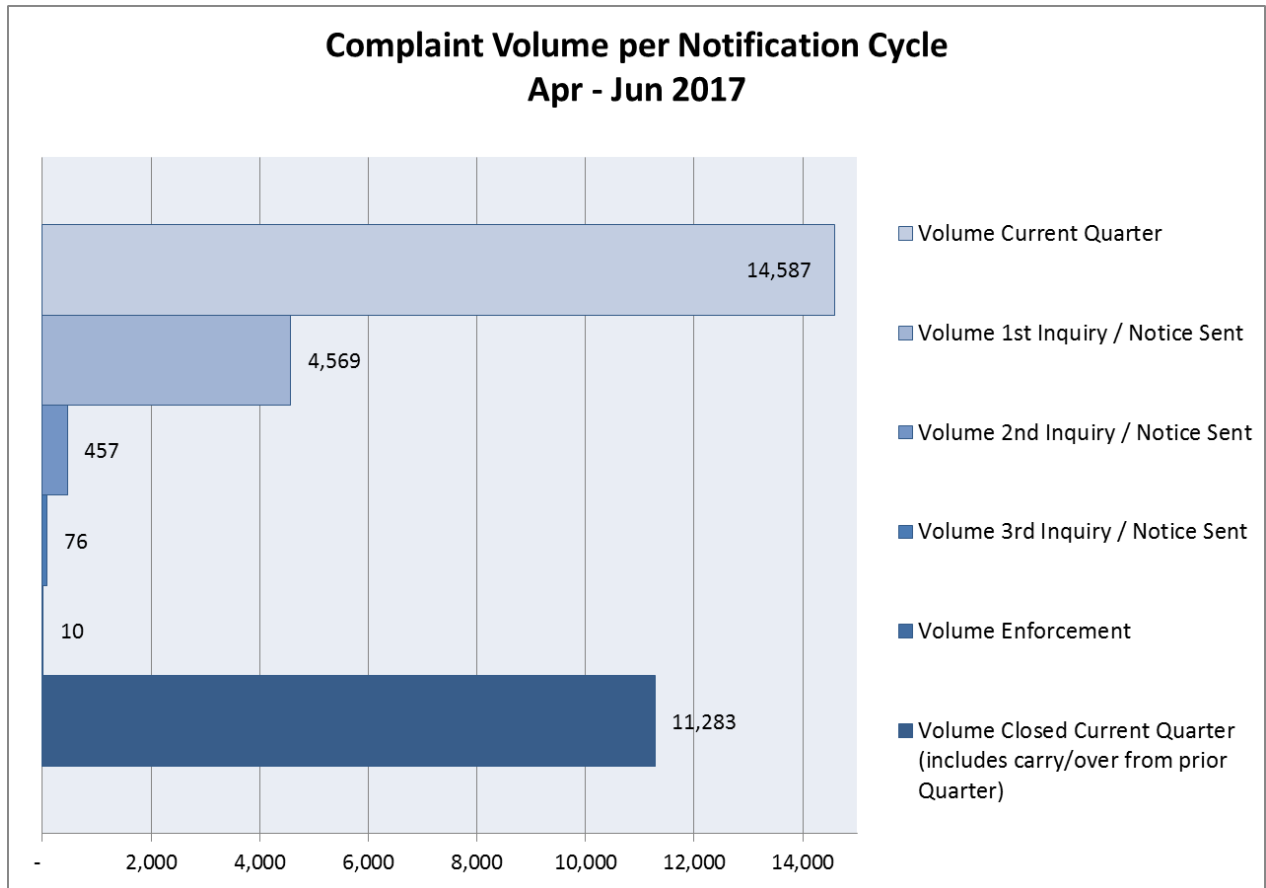
### **Data Escrow Update**

As part of ongoing proactive monitoring and at the ICANN organization's request, Iron Mountain performed in-depth reviews of registrars' escrow file contents. ICANN focused on registrars that received a 3<sup>rd</sup> notice or a notice of breach during this period. This review is critical to ensure the stability of registrant data.

ICANN continues working to establish a similar approach for data escrow reviews with the other ICANN-approved data escrow providers.

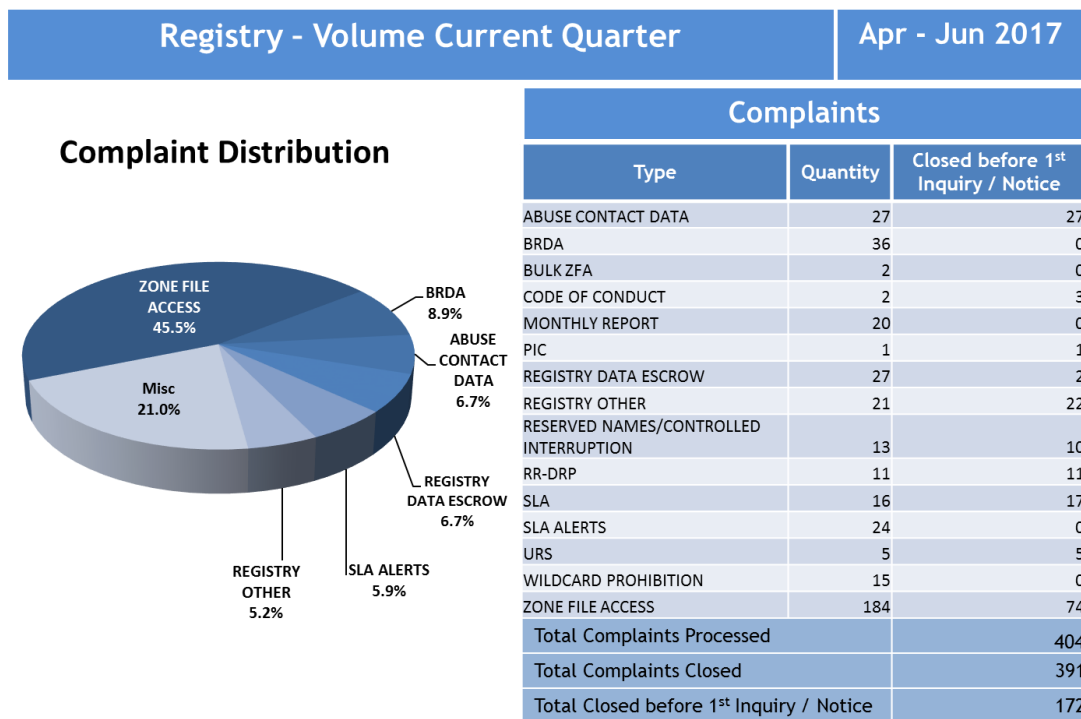
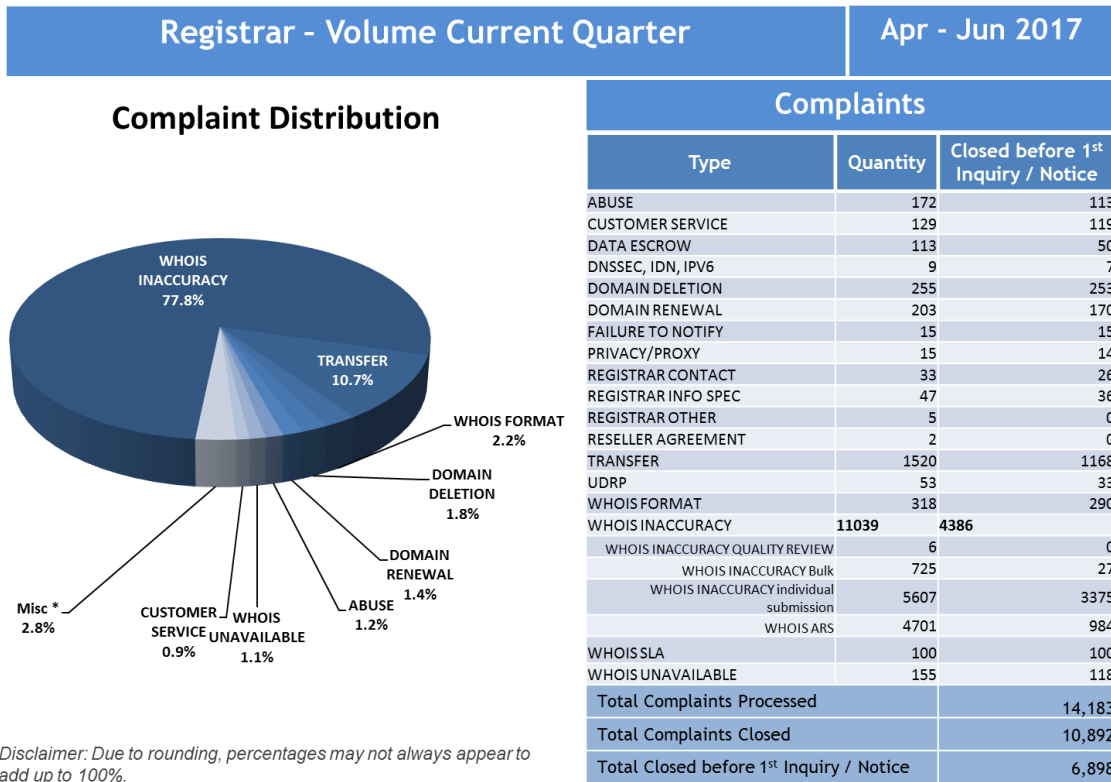
### Complaints Handling and Enforcement Summary

The chart below shows the complaint volume as complaints advanced 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

The charts below summarize the complaints received in the last quarter. The column titled “Complaints: Closed before 1st Inquiry / Notice” refers to complaints that are not sent to the registrar or registry operator. Reasons include: complaint is invalid, duplicate complaint is already open, requested evidence or additional information was not provided by reporter, or data changed. Learn more at <https://features.icann.org/compliance/dashboard/archives#definition>.



The tables below give a list of the enforcement activities for this quarter and prior months, type of enforcement, status, and reasons for the enforcement. The list of enforcement notices by registrars and by registries can also be found at <https://features.icann.org/compliance/enforcement-notices>.

ENFORCEMENT ACTIVITY FOR JUNE 2017						
SENT DATE	DUE DATE	CONTRACTED PARTY	IANA ID	NOTICE TYPE	STATUS	FAILURE NOTICE BASIS
26-Jun-17	17-Jul-17	Discount Domains Ltd.	1369	Breach		2013 RAA 3.6 - Escrow registration data
ENFORCEMENT ACTIVITIES FROM PRIOR MONTHS						
SENT DATE	DUE DATE	CONTRACTED PARTY	IANA ID	NOTICE TYPE	STATUS	FAILURE NOTICE BASIS
16-May-17	6-Jun-17	SiliconHouse.Net Pvt Ltd.	1558	Breach	Breaches Cured 21 June 2017	2013 RAA 3.9 - Pay accreditation fees
16-May-17	15-Jun-17	Aerovias del Continente Americano S.A. Avianca		Breach	Cure Period Extended Until 14 July 2017	Base RA Article 6 - Pay past due fees
16-May-17		Virtucom Networks S.A.	1468	Termination		2013 RAA 5.5.4 - Cure breaches of the RAA within 21 days
3-May-17	2-Jun-17	Beijing Tele-info Network Technology Co., Ltd.		Breach	Breaches Cured 14 June 2017	Base RA Article 6 - Pay past due fees
25-Apr-17	16-May-17	Experinom Inc.	1332	Breach	Breaches Cured 15 May 2017	2013 RAA 3.9 - Pay accreditation fees
21-Apr-17	12-May-17	Megazone Corp., dba HOSTING.KR	1489	Breach	Breaches Cured 12 May 2017	2013 RAA 3.15 - Respond to audits 2013 RAA 3.4.2-.3 - Maintain and provide records
3-Apr-17		Aim High!, Inc.	644	Termination		2013 RAA 5.5.4 - Cure breaches of the RAA within 21 days
3-Apr-17	14-Apr-17	#1 Internet Services International, Inc. dba 1ISI	1334	Termination	Termination Effective Date Modified	2013 RAA 5.5.4 - Cure breaches of the RAA within 21 days
30-Mar-17	20-Apr-17	Alice's Registry, Inc.	275	Breach	Data and Documents Under Review by ICANN; Cure Period Extended Until 18 August 2017	IRTP - Transfer Policy Section 1 & 3 - Allow RNH to transfer domain name (Section 1) or provide valid reason for denial (Section 3) IRTP - Transfer Policy Section 5 - Provide AuthInfo code 2013 RAA 3.4.2-.3 - Maintain and provide records
16-Mar-17	15-Apr-17	Top Level Spectrum, Inc.		Breach	Breaches Cured 5 April 2017	Base RA Section 3.c. of Specification 11 - Operate top-level domain in transparent manner
13-Mar-17	3-Apr-17	Tecnologia, Desarrollo Y Mercado, S. de R.L de C.V.	1582	Breach	Breaches Cured 17 April 2017	2013 RAA 3.17 - Maintain and provide information required by the Registrar Information Specification
13-Mar-17	3-Apr-17	Domain Jamboree, LLC	894	Breach	Breaches Cured 5 April 2017	2013 RAA 3.15 - Complete and provide Compliance Certificate
1-Dec-16	31-Dec-16	GreenTech Consultancy Company W.L.L. (mobily and xn--mgbb9fbpob)		Breach	Cure Period Extended Until 20 February 2017; Under review by ICANN	2013 RA Article 6 - Pay past due fees

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