



**ICANN Contractual Compliance
New Registry Agreement
Audit Program Outreach**

May 12, 2014

Topics for Discussion

- Overall Audit Objective
- Audit Phases and Timeline
- Registry Agreement's Provisions Under Consideration

Overall Audit Objective

Goal: To proactively identify deficiencies and manage the remediation process to ensure compliance with contractual obligations.

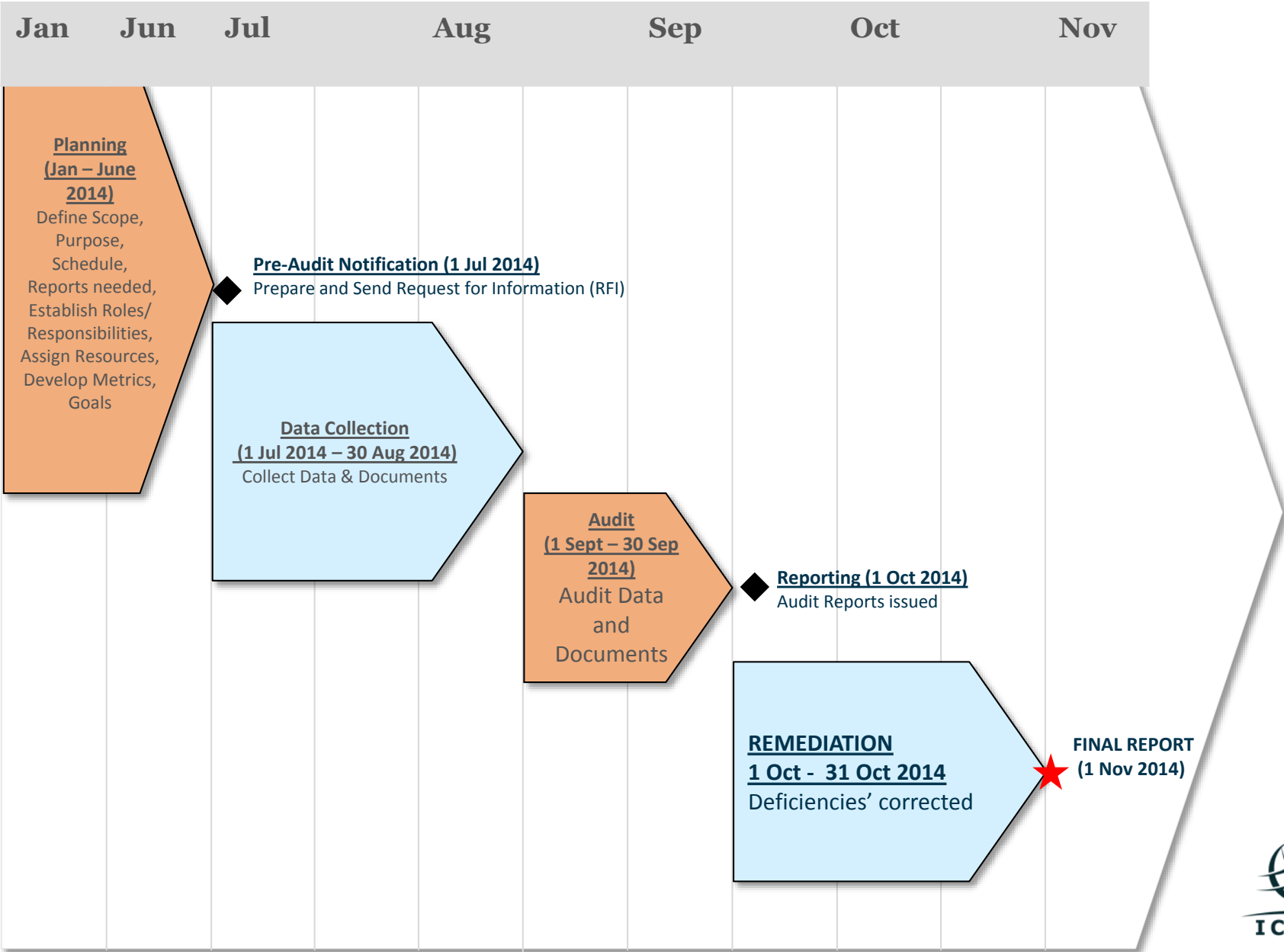
Per Registry Agreement Article 2; section 2.11(a):

Contractual and Operational Compliance Audits

“ICANN may from time to time (not to exceed twice per calendar year) conduct, or engage a third party to conduct, contractual compliance audits to assess compliance by Registry Operator with its representations and warranties contained in Article 1 of this Agreement and its covenants contained in Article 2 of this Agreement.”

<http://www.icann.org/en/about/agreements/registries>

Audit Phases and Timeline



Registry Agreement Provisions under Consideration

#	Registry Agreement Clause	Audit Objective / Community Value
GENERAL REPRESENTATIONS AND COMPLIANCE WITH POLICIES		
1	Article 1.3 Representations and Warranties. 1.3 (a) ii.	To confirm that Registry Operator is still in good standing since application process.
2	Article 2.2 Compliance with Consensus Policies and Temporary Policies	To obtain an assurance that Registry Operator is complying with all Consensus and Temporary Policies.
DATA ESCROW SPECIFICATIONS COMPLIANCE		
3	Article 2.3 Data Escrow; Specification 2	To confirm that content of the escrow deposits are per the contract.
	Article 2.3 PART B Legal Requirements; DEA (Data Escrow Agent) verification	To confirm that Legal Requirements in regards to DEA are met.

Registry Agreement Provisions under Consideration

#	Registry Agreement Clause	Audit Objective / Community Value
COMPLIANCE WITH POLICIES & SPECIFICATIONS		
4	Article 2.4 Monthly Reporting; Specification 3	To confirm the monthly Per-Registrar Transactions Report accurately represents the number of active domains.
5	Article 2.5 Publication of Registration Data (Whois); Specification 4	To confirm compliance with Specification 4 (Section 1.5, 1.6, 1.7).
6	Article 2.6 Reserved Names; Specification 5	To confirm that Reserved Names that Registry Operators are obligated to reserve are actually reserved.
7	Article 2.6 Specification 6. Name Collision Occurrence Assessment (Blocked Second Level Domain Names)	To confirm that second-level domain names that Registry Operators are obligated to block are actually blocked.


Registry Agreement Provisions under Consideration

#	Registry Agreement Clause	Audit objective / Community value
COMPLIANCE WITH POLICIES & SPECIFICATIONS		
8	Article 2.7 Registry Interoperability and Continuity; Specification 6	To confirm that Registry Operators have BCP (Business Continuity Plan) and it includes key provisions. To confirm that Registry Operator addresses orphan glue records appropriately (according to Spec 6, 4.2).
9	Article 2.7 Specification 6, 1.5 IPv6	To confirm that Registry Operator is able to accept IPv6 addresses.
10	Article 2.8 Protection of Legal Rights of Third Parties - (TMCH) Sunrise Period; Specification 7	To confirm that domain names registered during sunrise were eligible for registration.
11	Article 2.8 Protection of Legal Rights of Third Parties (TMCH) Claims Period; Specification 7	To confirm that Registry Operator implemented and adhered to the rights protection mechanisms (“RPMs”) specified in Specification 7.

Registry Agreement Provisions under Consideration

#	Registry Agreement Clause	Audit objective / Community value
COMPLIANCE WITH POLICIES & SPECIFICATIONS		
12	2.14 Registry Code of Conduct; Specification 9 Parts A, B, D	To confirm compliance with Code of Conduct.
13	Article 2.17 Additional Public Interest Commitments; Specification 11	To confirm that Registry Operator complies with its public interest commitments as incorporated into Specification 11 of the Registry Agreement.
14	Article 2.19 Community- Based TLDs Obligations of Registry Operator to TLD Community; Specification 12	To confirm that Registry has a written Registration Policy and complied with it.
15	Specification 13 . BRAND TLD PROVISIONS; 5.1 (ii)	To confirm that only Registry Operator, its Affiliates, or Trademark Licensees register domain names and control the DNS records associated with domain names at any level in the TLD.

Factors Impacting audit selections:



Registered Domain Names	<ul style="list-style-type: none">• Number of registered domains is taken into consideration
Actively registering gTLDs	<ul style="list-style-type: none">• Include IDNs• Sunrise / TM Claims/ General availability
Specific Requirements	<ul style="list-style-type: none">• Include gTLDs with voluntary PICs

Audit Program Next Steps

- ✓ ICANN conducts Audit Program outreach 12 May 2014
- Registries to send feedback by 16 May 2014
- ICANN review by 23 May 2014
- ICANN will update the Audit Program accordingly
- Present the Audit Program @ ICANN 50
- Start Audit Process in July 2014

Questions?

Email your questions to:
complianceaudit@icann.org;

Title: New Registry Agreement Audit