

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

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Audit Program Update

As previously communicated, the ICANN audit program will run on a three-year cycle during which each registry and registrar agreement will be randomly selected for audit over a three-year period.

In an effort to increase transparency and readiness, please refer to the ICANN website, found by clicking: <http://www.icann.org/en/resources/compliance/audits/future> to access the documents listed below:

- Registrar and Registry Audit Plans
- Frequently Asked Questions (FAQ) document

Please send your questions to ComplianceAudit@icann.org.

Registrar Update

Responding to Whois Inaccuracy Complaints

As mentioned in September's update, application enhancements were completed to the Whois Data Problem Reporting System to align with the current contractual compliance process and improve processing quality and effort.

ICANN reviews and validates the "reasonable steps" taken by a registrar to address Whois inaccuracy complaints through its 1-2-3 notification process. The registrar must provide copies of the correspondence with the registered name holder while investigating the Whois inaccuracy claim or describe actions taken to be in compliance.

"Reasonable steps" will vary. At a minimum, registrar should:

¹ This update is provided for information purposes only. Please exercise judgment in using the information contained within this update to make conclusions or business decisions based upon this update.

- Promptly transmit to the registrant "inaccuracy inquiries" by telephone, email, and postal mail
- Update or correct Whois based on registrant feedback
- Cancel the domain registration if the registered name holder:
 - ✓ Provided inaccurate or unreliable information
 - ✓ Failed to promptly update information
 - ✓ Failed to respond for over fifteen calendar days to inquiries

Domain Reseller Issues

The landscape of domain registration market has evolved over the last decade. With over 1,000 ICANN-accredited registrars located throughout the world, some provide domain registration services directly to the public and some through its reseller(s) or other intermediaries (resellers).

For ICANN-accredited registrars, domain names registered through a reseller could pose additional or unexpected compliance challenges.

Registrars are reminded that that the registrar of record shown in the gTLD registration data (i.e., Whois) is responsible for its reseller's action or inaction with regard to compliance issues arising from the Registration Accreditation Agreement (RAA).

Below is a list of some of the more common compliance issues:

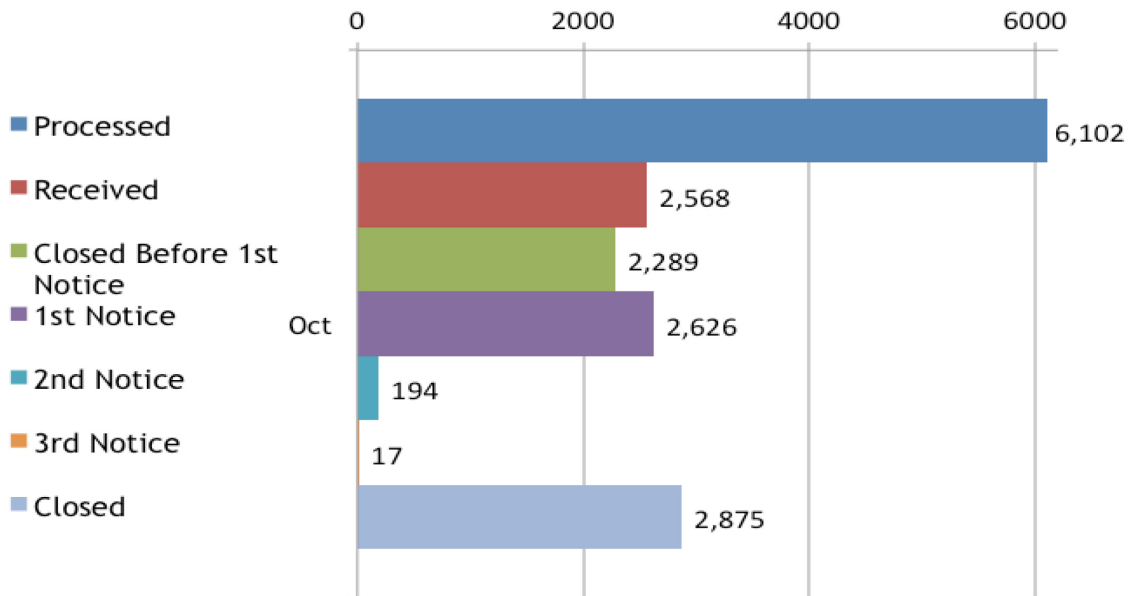
1. Reseller agreements between an ICANN-accredited registrar and its resellers do NOT include all of the provisions required by Section 3.12 of the RAA.
2. Registration agreements do NOT include all of the provisions required by Section 3.7.7 of the RAA.
3. Domain names registered to resellers as the registered name holder could lead to domain ownership/control, transfer and renewal or Whois inaccuracy issues.
4. Resellers not maintaining required registration data and records.

To be compliant:

1. The agreements between the ICANN-accredited registrar and its reseller(s) must include the same or equivalent language as in Section 3.12 of the RAA.
2. All registration agreements between ICANN-accredited registrars and registered name holders and between resellers and registered name holders (resellers' customers) must include the same or equivalent language in Sections 3.7.7.1 – 3.7.7.12 of the RAA.
3. Registrars should ensure their resellers obtain informed consent from their customers and are in compliance with any applicable laws (especially contract, data privacy laws and consumer protection laws) and regulations.
4. Registrar must ensure that their resellers (as their agents) retain all the necessary data and records as required under Section 3.4.2 of the RAA. Registrars are reminded that ICANN may request copies of all written communications pursuant to section 3.4.3 of the RAA.

Complaints Handling and Enforcement Summary

Volume of Complaints per Notification Cycle - Oct 2012



ENFORCEMENT ACTIVITY for OCTOBER 2012					
SENT DATE	DUE DATE	REGISTRAR	NOTICE TYPE	STATUS	FAILURE NOTICE BASIS
<i>NO NOTICES HAVE BEEN ISSUED</i>					
ENFORCEMENT UPDATES from PRIOR MONTHS					
21-Sep-12	12-Oct-12	0101 Internet, Inc	Breach	Cured	Maintain and provide communication records (RAA 3.4.2/3)
				Cured	Pay accreditation fees (RAA 3.9)
				Cured	Additional concern-conduct re. UDRP and UDRP Rules
22-Jun-12	15 Aug 12 (2nd Extension)	Tucows.com Co.	Breach	Cured	Maintain and provide registration data (RAA 3.4)

Please refer to [Contractual Compliance Notices](#) for up-to-date information.