



The Internet Corporation for Assigned Names and Numbers

30 May 2017

Mr. Thomas Schneider
Chair, ICANN Governmental Advisory Committee (GAC)

Re: Discussion on Follow-Up Scorecard Questions in GAC Copenhagen Communiqué

Dear Mr. Schneider:

I am writing in regard to the Copenhagen Communiqué published on 16 March 2017.¹ In the section “GAC Follow-Up Scorecard to Annex 1 of the GAC Hyderabad Communiqué,” the GAC posed a series of questions related to ICANN’s previous responses to the GAC on the implementation of the Registrar Accreditation Agreement, the implementation of the Registry Agreement, DNS abuse, and other subjects.

Attached to this letter, you will find the ICANN organization’s draft responses to the GAC’s questions.

As agreed to at the 27 April 2017 meeting of members of the GAC and the ICANN Board, the ICANN organization would like to discuss the responses to the questions in the Copenhagen Communiqué with interested members of the GAC including the Public Safety Working Group. After the discussion, the ICANN organization will provide a final version of the responses incorporating input from the meeting. We hope that the discussion and iterative responses will provide a more productive exchange on these important topics.

ICANN thanks the GAC for its attention to these important topics. We will identify a suitable time for such a discussion to occur, and we look forward to continuing our dialogue on these matters.

Sincerely,

Göran Marby
President & CEO, ICANN

¹ See <https://www.icann.org/en/system/files/correspondence/gac-to-icann-15mar17-en.pdf>

Part I. Implementation of 2013 RAA provisions and Registrars Accreditation

GAC Question (Hyderabad Communiqué)

1. WHOIS Accuracy Program Specification - Cross Validation Requirement

What is the implementation status of the 2013 RAA, WHOIS Accuracy Program Specification, Section 1 (e) which provides that Registrar will “Validate that all postal address fields are consistent across fields (for example: street exists in city, city exists in state/province, city matches postal code) where such information is technically and commercially feasible for the applicable country or territory”?

- a) Detailed information on what registrars and ICANN have done to fulfill this RAA requirement to date;
- b) A timeline with specific milestones & dates, including a projected closure date for complete implementation of this requirement
- c) Detailed information on cross-field validation software, approaches, etc. that have been considered, including supporting data and research;
- d) Detailed information regarding registrars' concerns about why specific options are not technically and commercially feasible, including supporting data and research; and
- e) Current proposals for cross-field validation (published at the time they are shared with any registrar).

ICANN Response (8 Feb. 2017)

In mid-2014, ICANN Org and the Registrar Stakeholder Group jointly agreed to place on hold the across field validation initiative specified in Section 1(e) of the WHOIS Accuracy Program Specification to the 2013 Registrar Accreditation Agreement. This initiative was placed on hold due to the implementation of the domain verification and suspension requirement outlined in the WHOIS Accuracy Program Specification. Registrars were challenged with maintaining parallel tracks as it pertained to these two initiatives. Over the course of the last three years, ICANN Org has focused its efforts on identifying commercially reasonable and global solutions that would meet the requirements of the RAA as well as regional and global addressing and data format requirements. During ICANN57 in Hyderabad, India, ICANN Org presented the results of this research in an open session, as well as a strawman proposal to address this issue.

In January 2017, the WHOIS Validation Working Group was re-formed to focus its effort on identifying, specifying, and approving (by a minimum of two-thirds (2/3) vote of the Registrar WHOIS Validation Working Group), an appropriate set of tools to enable registrars to complete the across field address validation specified in Section 1(e) of the WHOIS Accuracy Program Specification of the 2013 Registrar Accreditation Agreement. Starting in the first quarter of 2017, the Working Group and ICANN Org plan to define and mutually agree upon the ability to determine if a solution(s) is commercially viable, based on provider criteria that will be drafted and agreed upon by Working Group and ICANN Org.

A complete set of documents is located on the Across Field Address Validation Wiki Page:

<https://community.icann.org/display/AFAV/Registrar+Across+Field+Address+Validation>

The Wiki page also includes details of potential commercially reasonable solutions that the Working Group will evaluate and analyze in conjunction with ICANN Org.

Follow-up			
#	Follow-up GAC Question	ICANN Answer to Follow-up Question	Status
I.1.1	<p>GAC requests further details on <i>what registrars and ICANN have done to fulfill this RAA requirement to date</i> (question I.1.a). Based on ICANN's original response, it appears that a group has been formed but has as of yet produced no results, and no progress has been made in final implementation.</p>	<p>In mid-2014, ICANN organization and the Registrar Stakeholder Group jointly agreed to place on hold the across field address validation (AFAV) initiative specified in Section 1(e) of the WHOIS Accuracy Program Specification to the 2013 Registrar Accreditation Agreement. This initiative was placed on hold due to the implementation of the domain verification and suspension requirement outlined in the WHOIS Accuracy Program Specification. Registrars were challenged with maintaining parallel tracks as it pertained to these two initiatives. Over the course of the last three years, ICANN organization has focused its efforts on identifying commercially reasonable and global solutions that would meet the requirements of the RAA as well as regional and global addressing and data format requirements. During ICANN57 in Hyderabad, India, ICANN presented the results of this research in an open session, as well as a strawman proposal to address this issue. In January 2017, the WHOIS Validation Working Group was re-formed to focus its effort on identifying, specifying, and approving (by a minimum of two-thirds (2/3) vote of the Registrar WHOIS Validation Working Group), an appropriate set of tools to enable registrars to complete the across field address validation specified in Section 1(e) of the WHOIS Accuracy Program Specification of the 2013 Registrar Accreditation Agreement. Starting in the first quarter of 2017, the Working Group and ICANN organization worked to define and mutually agree upon a path forward to determine if a solution(s) is commercially viable, based on provider criteria that will be drafted and agreed upon by Working Group and ICANN organization. Over the course of the past four (4) months, the WHOIS Validation Working Group and ICANN organization have been focusing their efforts on a Request for Proposal (RFP) formulation. The intent of the RFP is to contract with a third party and determine what, if any, commercial solutions exist in the marketplace that are deemed to be 'technically and commercially viable' based on the current RAA language.</p>	Open GDD Services

Follow-up			
#	Follow-up GAC Question	ICANN Answer to Follow-up Question	Status
I.1.2	GAC requests further details on its request for a <i>timeline with specific milestones & dates, including a projected closure date for complete implementation of this requirement</i> (question I.1.b). No closure date has been provided for completion and implementation of the Cross Validation contractual requirement.	In regards to a projected timeline with specific dates, including a projected closure date for complete implementation of this requirement, ICANN plans to publish a Request for Proposal by 1 August 2017 . ICANN will welcome responses until 15 September 2017 . Upon completion of the study findings, a final report will be published by 30 December 2017 to ensure all parties are aware of the potential pros and cons of such a solution(s). Until the study findings have been published, we are unable to predict a completion date for this requirement	Open GDD Services
I.1.3	GAC requests further details on its request for <i>detailed information on cross-field validation software, approaches, etc. that have been considered, including supporting data and research</i> (question I.1.c). The answer provided by ICANN to date did not include any specific approaches, tools that were considered, rejected and the reasoning behind such decisions. No financial decision, discussion, analysis of any cross-field validation solutions were provided. Details on consideration or analysis of any solution by either ICANN or a third-party should be provided, including details such as name of third-party, cost, function, and other relevant information.	ICANN has researched and published information regarding potential commercial solutions including Informatica, Universal Postal Union, and Experian. The research materials are available for review on the Across Field Address Validation Wiki Page [https://community.icann.org/display/AFAV/Overview].	Open GDD Services
I.1.4	GAC requests further details on its request for <i>detailed information regarding registrars' concerns about why specific options are not technically and commercially feasible, including supporting data and research</i> (question I.1.d). The answer provided to date did not include registrars' concerns such as the technical and/or commercial issues regarding cross-validation.	Registrars have various concerns including but not limited to, implementation costs and potential disruptions to the domain registration user experience, The final report will contain current proposals for including applicable data and research focusing on registrars' concerns regarding concerns about why specific options are not technically and commercially feasible.	Open GDD Services
I.1.5	Can ICANN provide details on why the " <i>across field validation initiative</i> " specified in Section 1(e) of the WHOIS Accuracy Program Specification was stopped if it was a contractual obligation per the 2013 RAA, WHOIS Specification? In addition, it is not clear why these requirements were viewed as separate streams as they were both detailed in the same WHOIS Specification.	Please see answers to question I.1.1.	Open GDD Services

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#	Follow-up GAC Question	ICANN Answer to Follow-up Question	Status
I.1.6	Please provide the GAC with the results of ICANN’s strawman proposal <i>“identifying commercially reasonable and global solutions that would meet the requirements of the RAA as well as regional and global addressing and data format requirements”</i>	The AFAV strawman proposal was presented at ICANN 57 in Hyderabad, India. The strawman proposal is published on the AFAV Wiki Page located at https://community.icann.org/display/AFAV/Overview	Open GDD Services
I.1.7	As the across field address validation is a contractual obligation, why is it subject to being considered “commercially viable”?	The 2013 Registrar Accreditation Agreement WHOIS Accuracy Specification Section 1e. states that ‘Validate that all postal address fields are consistent across fields (for example: street exists in city, city exists in state/province, city matches postal code) where such information is technically and commercially feasible for the applicable country or territory.’	Open GDD Services
I.1.8	What is considered commercially viable?	ICANN organization and the Registrar Accuracy WHOIS Specification Working Group are working together to define and agree on the term ‘technically and commercially feasible.’	Open GDD Services
I.1.9	Has a deadline been set for developing a tool/methodology to enable registrars to complete the across field address validation specified in Section 1(e) of the WHOIS Accuracy Program Specification?	Please see answer to question I.1.2.	Open GDD Services

Part I. Implementation of 2013 RAA provisions and Registrars Accreditation

GAC Question (Hyderabad Communiqué)

2. Enforcement by ICANN of WHOIS Verification, Validation and Accuracy Requirement

Per the 2013 RAA WHOIS Specification, how does ICANN enforce all registrar WHOIS verification, validation and accuracy contractual obligations? Please provide examples that demonstrate how ICANN is enforcing each of these contractual obligations?

ICANN Contractual Compliance monitors and ensures compliance with the verification, validation, and accuracy requirements of Section 3.7.8 of the 2013 RAA and the WHOIS Accuracy Program Specification (WAPS) through:

- Processing WHOIS inaccuracy complaints covering verification, validation, and investigation and correction of accuracy issues. Between November 2015 and November 2016, WHOIS inaccuracy complaints constituted approximately 70% of complaints processed by ICANN Contractual Compliance (almost 32,000 complaints).
- Performance of the ICANN Contractual Compliance registrar audit, which includes WHOIS data verification and validation requirements.
- Processing the WHOIS Accuracy Reporting System (ARS) inaccuracy reports. The ARS checks samples of WHOIS contact information format (syntax) and functionality (operability) for accuracy from across the gTLDs. The data is provided to ICANN Contractual Compliance for follow-up with registrars (including WHOIS inaccuracy complaints and registrar outreach).
- Proactive monitoring and outreach by ICANN Contractual Compliance.

Enforcement of Section 3.7.8: This section requires registrars to take reasonable steps to investigate and correct WHOIS data inaccuracies. Per contract, Registrars have 15 calendar days after trigger event (for example: new registrations, inbound transfers, change to registrant information, WHOIS Inaccuracy complaints) to verify/validate, as applicable. ICANN enforces the obligation by requesting:

1. Evidence such as when, how, and with whom communication was conducted
2. Validation of any data updated following investigations
3. Verification of registrant email per Section 4 of WAPS

ICANN looks for one of three results when reviewing WHOIS inaccuracy complaints:

1. WHOIS updated within 15 days of notifying the Registered Name Holder – registrar provided documentation of validation of updates and verification (including affirmative response or manual verification)
2. No response from Registered Name Holder within 15 days of notifying Registered Name Holder – domain suspended until registrar has verified information
3. WHOIS verified as accurate (no change) within 15 days of notifying Registered Name Holder – registrar provided documentation of verification

ICANN may also request evidence of WAPS fulfillment under Section 1.

Follow-up			
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I.2.1	<p>While the answer to question I.2 provides statistics and general information, it does not address the intent of the question. The GAC advice aimed at determining specifically what actions/steps are taken to verify, validate, and confirm the accuracy of contractually-required WHOIS information. In other words, is there <u>a set of criteria used in verification</u>, i.e., when a staff member reviews WHOIS complaints; are complaints tracked, analysed, etc.?</p>	<p>Registrars are contractually required by the 2013 RAA to conduct verification, validation and confirmation of the accuracy of WHOIS information. When ICANN receives complaints or otherwise has information that suggests these requirements are not being fulfilled by a registrar, ICANN Contractual Compliance will review the registrar’s compliance through a WHOIS Inaccuracy complaint. ICANN makes its compliance determination by conducting the following steps during its reviews:</p> <ol style="list-style-type: none"> 1. If external complaint, review the complaint to determine whether it is in scope of the requirements and what WHOIS information the reporter claims to be inaccurate. Follow up with reporter if unclear on the inaccuracy reported. 2. Confirm the WHOIS information is available from the registrar by querying the domain name(s). 3. If the WHOIS is available: <ol style="list-style-type: none"> a. Confirm the WHOIS format per Section 1.4.2 of the Registration Data Directory Service(Whois) Specification also known as RDDS. b. Confirm that all required WHOIS fields have values present. c. Confirm that the WHOIS information has no glaring inaccuracies on its face. <p>To demonstrate compliance, a 2013 RAA registrar must:</p> <ol style="list-style-type: none"> 1. Contact the Registered Name Holder (RNH). 2. Verify the RNH email address with an affirmative response. 3. Provide the results of the registrar’s investigation. 4. Validate the format of the WHOIS information. 5. Suspend domain within 15 days if unable to verify. <p>Upon closure of a complaint, a resolution code is assigned to the complaint detailing the outcome of the review. Such codes can be used to track these complaints.</p>	Open Contractual Compliance

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1.2.2	What were the results of the 32,000 WHOIS complaints processed?	<p>The results can be found on slide 7 of the ICANN58 PSWG Session presentation at this link https://www.icann.org/en/system/files/files/presentation-compliance-pswg-13mar17-en.pdf Additional data on WHOIS can also be found on slide 10 of the ICANN58 GAC Session at this link https://www.icann.org/en/system/files/files/presentation-compliance-gac-15mar17-en.pdf Extract below for your reference:</p> <table border="1"> <thead> <tr> <th colspan="8">Date Range: Nov 2015 - Nov 2016</th> </tr> <tr> <th rowspan="2"></th> <th rowspan="2">Received</th> <th colspan="4">Informal Resolution</th> <th rowspan="2">Closed</th> <th>Enforcement</th> </tr> <tr> <th>Closed B4 1st Notice</th> <th>1st Notice</th> <th>2nd Notice</th> <th>3rd Notice</th> <th>Breach/ Suspension /</th> </tr> </thead> <tbody> <tr> <td>External Complaints</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>WHOIS INACCURACY</td> <td>27,282</td> <td>12,661</td> <td>14,591</td> <td>1,340</td> <td>163</td> <td>27,773</td> <td>6</td> </tr> <tr> <td>Proactive Approach (Internal)</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>WHOIS AccuracyReportingSystem</td> <td>4,614</td> <td>2,618</td> <td>1,596</td> <td>141</td> <td>10</td> <td>4,153</td> <td>1</td> </tr> <tr> <td>WHOIS QUALITY REVIEW</td> <td>10</td> <td>1</td> <td>12</td> <td>3</td> <td></td> <td>12</td> <td>1</td> </tr> <tr> <td>Grand Total</td> <td>31,906</td> <td>15,280</td> <td>16,199</td> <td>1,484</td> <td>173</td> <td>31,938</td> <td>8</td> </tr> </tbody> </table>	Date Range: Nov 2015 - Nov 2016									Received	Informal Resolution				Closed	Enforcement	Closed B4 1st Notice	1st Notice	2nd Notice	3rd Notice	Breach/ Suspension /	External Complaints								WHOIS INACCURACY	27,282	12,661	14,591	1,340	163	27,773	6	Proactive Approach (Internal)								WHOIS AccuracyReportingSystem	4,614	2,618	1,596	141	10	4,153	1	WHOIS QUALITY REVIEW	10	1	12	3		12	1	Grand Total	31,906	15,280	16,199	1,484	173	31,938	8	Open Contractual Compliance
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1.2.3	Were any registrars de-accredited for WHOIS violations? If not, does that mean all 32,000 WHOIS complaints resulted in registrars taking appropriate actions?	<p>Yes, as stated above, some registrars reached Enforcement, breach, suspension and 2 were terminated (which leads to de-accreditation) due to having unresolved WHOIS inaccuracy-related compliance violations. This information can be found on icann.org enforcement reports page at this page https://www.icann.org/compliance/notices .</p>	Open Contractual Compliance																																																																					
1.2.4	What actions, if any, has ICANN taken against any registrar for non-compliance of WHOIS requirements in 2013 RAA, starting January 1, 2014?	<p>ICANN actions against registrars for non-compliance begin with a detailed compliance review which may lead to resolution of issue, or any of the other enforcement for example a Notice of Breach, a Notice of Suspension and/or a Notice of Termination if no resolution. Please refer to responses above with data regarding results of 32,000 WHOIS complaints processed and to the presentations for the data since 2014.</p>	Open Contractual Compliance																																																																					

Follow-up			
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1.2.5	Does ICANN consider de-accreditation for a WHOIS inaccuracy violation too severe? If so, should the RAA be amended to specifically provide a graduated scale of penalties or sanctions for WHOIS inaccuracies?	The 2013 RAA provides a graduated approach to come into compliance. If not resolved upon review during the informal resolution stage, ICANN issues a Notice of Breach, then possibly a Notice of Suspension, and if still unresolved, a Notice of Termination which leads to de-accreditation. WHOIS Inaccuracy complaints allow for a 15-5-5 business day timeline during the Informal Resolution for the 1st, 2nd and 3rd notices. A Notice of Breach provides a 21 calendar day cure deadline. Suspensions of a registrar's accreditation may vary depending on the severity of the noncompliance and level of collaboration of the registrar. The period of suspension is typically 90 days. Termination effective dates may occur as soon as 15 days from written notice, but typically occur within 30 days of a notice to allow for the procurement of a gaining registrar.	Open Contractual Compliance
1.2.6	Please provide specific actions, steps and analysis that ICANN takes during an audit?	Audit Program information is published at https://www.icann.org/resources/pages/audits-2012-02-25-en Actions, Steps and Analysis (in sequential order): <ul style="list-style-type: none"> - Contracted parties are informed about forthcoming audit in advance - Audit requests for information are sent to contracted parties selected for audit - Information/documentation is collected in a safe secured environment - Responses received are analyzed during audit phase - Initial audit reports are issued and sent to auditees - If required, auditees (in cooperation with ICANN Contractual Compliance) remediate deficiencies noted in reports - Upon completion of remediation, final individual audit reports are issued to auditees - The audit round is analyzed and final combined audit report is published 	Open Contractual Compliance
1.2.7	Does ICANN use a template or standardized methodology to conduct each audit?	ICANN uses standard methodology to conduct an audit; reference materials are published on the ICANN Compliance Audit page at https://www.icann.org/resources/pages/audits-2012-02-25-en And at this link https://www.icann.org/resources/pages/faqs-2012-10-31-en	Open Contractual Compliance
1.2.8	How often are audits conducted?	ICANN targets to conduct two audit rounds per year for registrars and two for registries. The number of registrars or registries varies and based on the audit criteria as explained at this link (Audit Methodology FAQ, Q #1 and 3). https://www.icann.org/resources/pages/faqs-2012-10-31-en	Open Contractual Compliance
1.2.9	What determines if an audit is needed, specifically?	As stated above, the audit selection criteria drives whether an audit is needed.	Open Contractual Compliance

Follow-up			
#	Follow-up GAC Question	ICANN Answer to Follow-up Question	Status
I.2.10	Who conducts an audit?	ICANN Contractual Compliance Risk and Audit team is responsible and accountable for the contracted parties audit program. ICANN has also engaged the services of KPMG to help in the execution of these audits.	Open Contractual Compliance
I.2.11	How much time is needed for an audit? Hours, days, weeks?	A full Registrar / Registry audit program timeline is about 3-5 months from start to finish, depending on number of contracted parties being audited, the complexity of issues and language in which communication / documentation is maintained to list a few. An individual Registrar/Registry audit may take 1-3 months depending on the scope and as stated above, the complexity of issues and language in which communication / documentation is maintained to list a few. The audit phases can be found at this link - https://www.icann.org/en/system/files/files/audit-phases-timeline-27apr17-en.pdf and in the Audit duration in FAQ Q#1 and Methodology FAQ, Q #2 at https://www.icann.org/resources/pages/faqs-2012-10-31-en#Audit_Methodology_Questions .	Open Contractual Compliance
I.2.12	What are associated costs with audits? How much does each audit cost, with breakdown of labor, travel, and any other related costs?	ICANN organization has two team members dedicated to contractual compliance audit function. KPMG, as stated in response to I.2.10 above, is the vendor, who participated in competitive bidding for this effort. The costs incurred are limited to labor costs of the vendor, which is confidential information and covered by an agreement. ICANN also requests reviews of registrar data escrow data performed by Data Escrow Agent. Data escrow reviews cost are covered by an agreement.	Open Contractual Compliance

Follow-up			
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1.2.13	Please provide specific example(s) of actions taken after a report of an actual audit (with names redacted)?	<p>Actions taken depend on the audit findings and may include:</p> <ul style="list-style-type: none"> - Requesting auditees to remediate deficiencies noted (will vary based on applicable ICANN agreement/policy) - Providing guidance to auditees regarding the expected outcomes of remediation - Verifying that remediation is successful (both immediately and later, if implementation is conducted over time) <p>Examples can be found in published audit reports.</p> <p>An example of a registrar audit: Audit finding: Auditee does not send expiration notices to registrants. Action taken by auditee: To update a process or a system; inform and provide evidence of update to ICANN Contractual Compliance Action taken by ICANN: To review the evidence and confirm that notices are sent in accordance with requirements.</p> <p>An example of a Registry audit: Audit finding: Variance discovered between number of domains reported to ICANN by Registry and number of domains in Registry’s Data Escrow file – a potential data escrow risk. Action taken by auditee: To determine and eliminate the cause of the issue; inform and provide evidence of remediation to ICANN Contractual Compliance Action taken by ICANN: To review the evidence and confirm that all domains are being escrowed, as required.</p>	Open Contractual Compliance
1.2.14	<p>According to May 2016 Contractual Compliance Registrar Audit Report, “<i>Ten (67%) of the Registrars completed the audit with deficiencies [...] These Registrars will require follow-up (i.e. <u>partial re-audit</u>) from ICANN to verify the remaining deficiencies have been remediated.</i>”</p> <p>How is this follow-up achieved, and how is it reported?</p>	The follow-up is achieved by adding the auditee to the next audit round based on the remediation completion date and it is tracked and reported in that round.	Open Contractual Compliance

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I.2.15	Please define “proactive monitoring” and what actions are taken in this process?	<p>Proactive monitoring is ICANN’s effort to take initiative in identifying potential issues instead of waiting for issues to happen.</p> <p>Proactive monitoring actions, to list a few, are: the audit program, review of blogs and social media, observed behavior from complaints, review related to the DNS infrastructure for example, usability and format of data escrow files, automated monitoring system to ensure compliance with Specification 10 of the Registry Agreement.</p> <p>The next action depends on the initiative and source. Generally, ICANN reviews and determines if issue is within the contractual scope and if so, initiates an inquiry or a notice with the contracted party.</p> <p>As previously discussed, audit actions are per audit methodology and process; all others will be handled via the operational process and ticketing system.</p>	Open Contractual Compliance
I.2.16	How often is proactive monitoring done?	<p>The frequency of proactive monitoring conducted by ICANN Contractual Compliance varies. It may be conducted in real-time, daily or randomly. There are also planned audits, per schedule.</p> <p>Real-time monitoring refers to system-driven monitoring tools that automatically check technical performance. For example, ICANN monitors Registries to ensure they meet the requirements outlined in the Service Level Agreement matrix of Specification 10 to the Registry Agreement (RA). ICANN also monitors registrars to ensure that they are providing port 43 Whois access as required by Section 3.3.1 of the Registrar Accreditation Agreement (RAA).</p> <p>Daily frequency may refer to monitoring of social media or behavior observed in the ICANN compliance ticketing system (for example, an influx of issues related to a single registrar).</p> <p>Random monitoring is performed to validate that previously resolved matters remain in compliance.</p>	Open Contractual Compliance
I.2.17	Does proactive monitoring apply to each registrar and registry? Why or why not?	<p>Proactive monitoring may apply to all or selected contracted parties based on the effort, scope and source. For example, during an audit, ICANN may select registrars who have not been audited before; or if an issue is referred to in social media related to a contracted party, ICANN may initiate a proactive review of that entity.</p>	Open Contractual Compliance
I.2.18	Does ICANN have enough resources to conduct proactive monitoring for each registry and registrar?	<p>ICANN plans the proactive monitoring based on planned and approved budget every year, the risk to the DNS infrastructure and by prioritizing the efforts.</p>	Open Contractual Compliance

Follow-up			
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I.2.19	What does ICANN mean by “outreach”?	ICANN Contractual Compliance’s use of the term “outreach” is in relation to activities to inform and communicate on topics related to Contractual Compliance. The goal is to improve awareness and/or improve compliance. For example, ICANN conducts outreach activities by region, by topic, by area and by contracted party. Another example of outreach activities refers to the published materials, like videos and infographics, used to inform the community.	Open Contractual Compliance
I.2.20	How is outreach conducted?	Outreach may be conducted in different ways that enable people to collaborate, including in person, via conference calls or webinars, at ICANN meetings, GDD Summits or planned outreach in collaboration with the Global Domains Division (GDD) or Global Stakeholder Engagement (GSE) teams.	Open Contractual Compliance
I.2.21	Does ICANN have enough resources to conduct outreach to each registry and registrar? Specifically, what is considered “follow-up” with registrars?	ICANN plans outreach activities based on the issue and impact and prioritized to be within the approved budget. “Follow-up” with contracted parties is considered a step to validate and confirm understanding or responses, and may apply during the complaint processing phases, during the outreach or proactive monitoring efforts.	Open Contractual Compliance
I.2.22	Please explain how ICANN defines “evidence” in this context of ICANN’s enforcement of Section 3.7.8 related to the investigation and correction by Registrars of WHOIS data inaccuracies.	ICANN Contractual Compliance refers to “evidence” as proof to show that action has been taken or the reason for non-action. “Evidence” in the context of Section 3.7.8 of the Registrar Accreditation Agreement (RAA) may be any one of the following: <ol style="list-style-type: none"> 1. Copies of communication records between a registrar and registrant to show the when, how, and with whom communication was conducted 2. Confirmation of a registrar’s methods of validation of any updated WHOIS data following its investigations 3. Copies of communications used for verification of registrant email per Section 4 of Whois Accuracy Program Specification 4. Copies of system logs demonstrating when email verification was conducted 5. Evidence from registrar confirming WHOIS information (e.g., registrar successfully contacted registrant at telephone number, email delivery confirmation, etc.) 6. WHOIS data itself (shows updates). 7. Confirmation from complainant that problem has been resolved. 	Open Contractual Compliance

Follow-up			
#	Follow-up GAC Question	ICANN Answer to Follow-up Question	Status
I.2.23	How many domain names have been suspended due to no response of Registered Name Holder within 15 days of request for verification of WHOIS data accuracy?	<p>ICANN can only determine how many domain names subject to complaints were suspended by the registrar. The timing of those suspensions is not tracked except for purposes of advancing the complaint beyond the 1st notice stage, which provides the registrar 15 business days to comply with the Whois Accuracy Program Specification requirements and respond to ICANN.</p> <p>ICANN reports on complaint closure reasons at ICANN meetings only. For example, for ICANN 58, of the 12,758 Whois Inaccuracy complaints received from October 2016 thru January 2017, 46.1% of the domain names were suspended or cancelled. Please refer to slide 7 in the ICANN58 Compliance Program Update presentation at this link - https://www.icann.org/en/system/files/files/presentation-compliance-13mar17-en.pdf</p>	Open Contractual Compliance

Part I. Implementation of 2013 RAA provisions and Registrars Accreditation

GAC Question (Hyderabad Communiqué)

3. Diligence by ICANN in Relation to Registrars' Duty to Investigate Reports of Abuse

What is the standard of diligence that ICANN applies to registrars in the registrar's duty to respond to reports of abuse according to Section 3.18 of the 2013 RAA?

ICANN Response (8 Feb. 2017)

ICANN Contractual Compliance monitors compliance with Section 3.18 of the 2013 RAA through:

- Processing abuse complaints submitted through the Registrar Standards Complaint Form (<https://forms.icann.org/en/resources/compliance/complaints/registrars/standards-complaint-form>).
- Conducting the Registrar Audit Program which includes the obligations of Sections 3.18.1, 3.18.2, and 3.18.3 of the 2013 RAA.

For abuse complaints, ICANN confirms that the reporter sent abuse report(s) to registrar abuse contact email address before ICANN sends complaint to registrar. Once confirmed, ICANN could request the registrar to provide:

1. A description of the steps taken to investigate and respond to abuse report
2. The amount of time taken to respond to abuse report
3. All correspondence with complainant and registrant
4. The link to website's abuse contact email and handling procedure
5. The location of dedicated abuse email and telephone for law-enforcement reports
6. The Registrar's WHOIS abuse contacts, email address, and phone number
7. Examples of steps that registrars have taken to investigate and respond to abuse reports include:
 - a. Contacting the registrant
 - b. Requesting and obtaining evidence or licenses
 - c. Providing hosting provider information to complainant
 - d. Performing WHOIS verification
 - e. Performing transfer upon request of registrant
 - f. Suspending domain

Follow-up			
#	Follow-up GAC Question	ICANN Answer to Follow-up Question	Status
I.3.1	Unfortunately, ICANN has not provided specific details in how it investigates reports of abuse by providing specific documentation. While it is understood ICANN would not want to release information or waste resources on superfluous or unfounded abuse reports, it would be helpful if ICANN can provide a clear, transparent and consistent investigative approach to reports of abuse.	<p>Registrars are contractually required by the 2013 RAA to take steps to investigate and respond appropriately to reports of abuse. When ICANN receives complaints or otherwise has information that suggests these requirements are not being fulfilled by a registrar, ICANN Contractual Compliance will review the registrar's compliance through an Abuse complaint. ICANN makes its compliance determination by conducting the following steps during its reviews:</p> <ol style="list-style-type: none"> 1. Check the current WHOIS information of the relevant domain name(s). 2. Confirm the relevant registrar is a 2013 RAA signatory (2009 RAA registrars do not have abuse requirements). 4. Check reporter history to see if the reporter had submitted prior complaints (either related to abuse or otherwise). 5. Follow up with reporter requesting information depending on what is provided in original complaint (reporter must have provided evidence that it submitted an abuse report to the registrar's abuse contact). 6. Confirm reporter's complaint (if in scope). 7. Review active and closed complaints with same registrar. 8. Send notice or inquiry to registrar - Questions asked depending on what the complaint is about and information provided by reporter or otherwise available to ICANN. They can include copies of correspondence between registrar and reporter/registrar, steps taken to investigate the abuse report and how the registrar responded to the report (registrars may demonstrate compliance in a variety of ways depending on the situation - suspending domain names, asking for online pharmacy licenses, conducting WHOIS verification, providing/obtaining information from the registrant, reviewing the domain content, etc.) 9. Follow up as necessary with registrar and reporter. 	Open Contractual Compliance

		Please refer to slides 22-24 in the Registrar Compliance Presentation at this link for this information - https://www.icann.org/resources/pages/registrar-2012-02-25-en .	
I.3.2	What are the determining factors for ICANN to request the information listed from registrar when handling abuse complaints?	Depending on the complaint: a. Did the reporter file an abuse report with the registrar? b. Did the reporter send the abuse report to the abuse contact email address of the registrar c. Did the registrar respond to the abuse report it received? d. Did the registrar publish its abuse contact email address and telephone number in the Whois information (as applicable) e. Did the registrar publish its abuse contact email address on its webpage? f. Did the registrar publish its abuse handling procedures on its webpage?	Open Contractual Compliance
I.3.3	Is there a threshold and/or standardized analysis performed for each report of abuse?	See response to question I.3.2. These are the checks performed.	Open Contractual Compliance
I.3.4	Is all of the information listed in the answer requested of the registrar when investigating an abuse report? If not, how does ICANN determine which questions are presented to registrar?	The response of the registrar depends on the issue the reporter is complaining about. If the complaint is about the registrar not publishing its abuse contact email address or phone number on its webpage, ICANN will ask for the registrar to provide a link to where the information is published. If the complaint is regarding the registrar not responding to an abuse report, ICANN will ask for copies of all communications with the reporter and RNH, as well the findings from the registrar's investigation. Prior abuse complaints and a registrar's responses are also taken into consideration, so that requests for general information which remains valid are not repeated.	Open Contractual Compliance
I.3.5	Does ICANN prepare a written report upon the completion of each investigation, with supporting documentation?	ICANN does not prepare a written report upon the completion of each review. For each case, the response and supporting documentation are kept in the compliance system and tracked accordingly.	Open Contractual Compliance
I.3.6	Please provide comprehensive statistics detailing how many reports of abuse are received by ICANN and their outcomes or adjudication.	ICANN provided statistical and resolution data during the ICANN58 PSWG and GAC presentations and broken by legacy and new gTLD since 2014. Please refer to the presentations at this link https://www.icann.org/resources/compliance/outreach	Open Contractual Compliance

1.3.7	Please provide a report of measures that have been taken against registrars, including violation, date, and length of investigation, costs associated, outcomes and follow-ups.	<p>As stated above, a statistical report was provided to address the PSWG and GAC requests since 2014 reporting data by legacy and new gTLD.</p> <p>ICANN is able to pull data related to violation date, the length of investigation based on the complaint duration and outcome by violation.</p> <p>ICANN also tracks manually registrars and registries who had to implement corrective measure due to issues; however we do not track costs associated at a complaint level.</p> <p>ICANN is in the process of updating the reporting to include granularity of reporting to Abuse complaint type and to report by legacy and new gTLD. In the meantime, if there is an immediate need for this data, please let us know what timeframe you needed for and ICANN will accommodate the request.</p>	Open Contractual Compliance
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Part I. Implementation of 2013 RAA provisions and Registrars Accreditation

GAC Question (Hyderabad Communiqué)

1. Awareness Efforts by ICANN on Registrars' Obligations:

What efforts does ICANN undertake to ensure registrars, are educated and aware of their contractual obligations? Per 2013 RAA, Section 3.13, can ICANN provide details of required training, for instance:

- a. Is there an ICANN training program with corresponding links and information?
- b. How often is this training provided?
- c. Other details of the training program?

ICANN Response (8 Feb. 2017)

Yes. ICANN has developed a training program in collaboration with the registrar community. The program is intended to help ICANN-accredited registrars understand and comply with their obligations under the Registrar Accreditation Agreement and incorporated consensus policies. The training is available on the ICANN Learn training platform: <https://www.icann.org/resources/pages/registrar-training-resources-2015-09-23-en>.

The training is web-based and can be accessed at any time upon successful account creation and login. Section 3.13 of the 2013 RAA requires the primary contact or designee to complete a training course covering registrar obligations under ICANN policies and agreements. A Certificate of Registrar Training Course Completion is published at <https://www.icann.org/resources/pages/registrar-training-resources-2015-09-23-en>.

Registrars are required to send in a signed and dated copy of the certificate upon successful completion of the training program.

In addition, ICANN conducts outreach to contracted parties at ICANN public meetings, GDD Industry Summits, via a webinar-type approach, or through published material on ICANN.org. The outreach provides overall contractual guidelines, informs of policy and/or contract changes, and provides an opportunity to proactively collaborate and address compliance issues.

Follow-up

#	Follow-up GAC Question	ICANN Answer to Follow-up Question	Status
	None		

Part I. Implementation of 2013 RAA provisions and Registrars Accreditation

GAC Question (Hyderabad Communiqué)

2. Vetting Registrar Accreditation Applications

ICANN has listed criteria for registrar accreditation. Please explain how these criteria have been put into practice and enforced? Specifically:

- a. How does ICANN verify information provided in registrar accreditation applications?
- b. What databases, record checks, etc. are used?
- c. How many applications has ICANN received since the new process began? Of those, how many applications have been rejected, why?
- d. How long does it take ICANN to evaluate each application?
- e. What are the financial costs associated with processing each application, including verification costs?

ICANN conducts a thorough review of applications for Registrar Accreditation. This review includes, but is not limited to:

- Background checks conducted through a third-party service provider, Thomson Reuters. These checks include: Litigation, Bankruptcy, Regulatory, and Law Enforcement checks, as well as internet searches.
- Financial review; a review of financial statements and bank verification
- Review of good standing documents, e.g., Certificates of Incorporation, Business Registration/License
- ICANN Contractual Compliance status

ICANN has received a total of 2,157 applications in calendar years 2012 through 2016, four of which were withdrawn and eleven of which were rejected. Reasons for rejection included background check findings, financial review findings (such as insufficient cash on hand), and application review findings.

Table 1. Registrar Accreditation Applications, 2012 – 2016

Year	Applications	Withdrawals	Rejections
2012	57	0	6
2013	183	2	3
2014	519	1	1
2015	847	1	1
2016	551	0	0
Total	2157	4	11

Review of Registrar Accreditation Applications take on average three to six months. However, this timing is largely dependent upon the responsiveness of the applicant. Delays in applicant response may extend the overall review cycle to twelve months or longer.

Follow-up			
#	Follow-up GAC Question	ICANN Answer to Follow-up Question	Status
I.5.1	GAC requests further details on <i>what are the financial costs associated with processing each application, including verification costs</i> (question I.5.d). How much does ICANN pay Thompson Reuters to conduct checks? Also, are there another costs ICANN incurs after it receives Thompson Reuters data, i.e., is further investigation or checks required?	<p>The single external cost to the ICANN organization for Registrar applications is the Thomson Reuters report. The Standard Report, as it is called, is delivered to ICANN on demand. The Standard Report “screens subjects for major derogatory information and identifies company owners and directors. It includes foreign language content and local checks for litigation, bankruptcy and other red flag issues.” The content of the report includes results of global compliance searches, company background analysis, international English electronic media searches, international local media searches and civil litigation, regulatory, criminal, and bankruptcy searches.</p> <p>The fee for the Standard Report is the only external cost to the ICANN organization during the accreditation process. The fee for the report may vary depending on the nature of the entity being checked. All other due diligence and compliance checks are conducted by ICANN organization staff.</p>	Open GDD Ops
I.5.2	Have there been instances when the above-reference databases have not produced data? If so, what does ICANN do in such circumstances?	There have been no instances to date.	Open GDD Ops
I.5.3	Is Thompson Reuters able to provide above-referenced checks for every country in the world? If not, which countries are not included in their checks?	Thomson Reuters is able to provide background checks for every country in the world, except Cuba, North Korea, and Iran.	Open GDD Ops
I.5.4	What does ICANN do if there is insufficient or contradictory data provided by above-referenced checks?	There have been no instances to date. Thomson Reuters uses in-house researchers to guarantee the quality of its background check information.	Open GDD Ops

Part II. Implementation of New gTLD Applicant Guidebook and Registry Agreement

GAC Question (Hyderabad Communiqué)

3. Vetting Registry Accreditation Applications

The New gTLD Applicant Guidebook (v. 2012-06-04), Module 1, Section 1.2.1, Eligibility states that “ICANN will perform background screening in only two areas: (1) General business diligence and criminal history; and (2) History of cybersquatting behavior.” How is ICANN monitoring, enforcing and/or verifying continued compliance with Section 1.2.1?

ICANN Response (8 Feb. 2017)

The Applicant Guidebook requirements were used to evaluate the applicants. ICANN monitors, enforces, and/or verifies continued compliance via Article 1.3.a Representations and Warranties in the New gTLD Registry Agreement, which covers continued compliance with what an applicant stated in its application. ICANN monitors media reports including social media, reviews complaints received and the registry’s annual certification where applicable, and conducts audits addressing these issues. Verifying compliance may include requesting different types of documents such as current Certificate of Subsistence (also known as “Good Standing Certificate”) or the local equivalent, and recent fiscal year Financial / Operational Statement or the local equivalent (audited, if available with redacted proprietary or confidential data).

Follow-up

#	Follow-up GAC Question	ICANN Answer to Follow-up Question	Status
	None		

Part II. Implementation of New gTLD Applicant Guidebook and Registry Agreement	
GAC Question (Hyderabad Communiqué)	ICANN Response (8 Feb. 2017)
<p>4. Security Checks, Specification 11, Section 3(b)</p> <p>a. Does ICANN collect and/or review these statistical reports or otherwise verify that the Public Interest Commitment is being met?</p>	<p>Specification 11 in the New gTLD Registry Agreement enables ICANN to request reports related to the Security Checks undertaken by Registry Operators and the actions taken to address them. ICANN reviews each report individually to address a reported issue; this is a proactive review initiated as a result of monitoring or an audit.</p> <p>Statistical reports most commonly include:</p> <ul style="list-style-type: none"> • Number of domain names reviewed during analysis • List of domain names with potential threats • Type of the threat identified - malware, botnets • Type of actions taken in response to threats • Status (open/pending/closed) and statistics on actions taken • Additional details on threats such as IP address, geographic location, and registrant information • Trends and alerts
<p>b. Is ICANN conducting any type of independent research that allows it to obtain metrics and generate statistics related to concentration of malicious domain names per registrar/registry and how this trends over a determined period of time</p>	<p>At this time, ICANN is not generating statistics on malicious domains in a comprehensive way. However, the Office of the Chief Technology Officer is conducting a research project that works with industry experts to develop a service that consolidates a number of DNS abuse-related data feeds to generate statistics on a variety of malicious domain names per registrar and registry. The intent of this research project is to provide an authoritative, unbiased, and reproducible data set that tracks DNS abuse-related trends over time.</p>
<p>c. If ICANN is conducting this research, please provide a brief explanation of how the analysis is performed and what specific actions ICANN takes in response to the results indicated by the data.</p>	<p>As mentioned in response 2b, there is a research project in development. The analysis being performed is to aggregate data feeds and generate an index based on the prevalence of the different kinds of abuse that are being reported. While ICANN's plans regarding actions with the data have not yet been finalized, it is likely those actions will include at least informing registries and registrars of their abuse statistics and their position relative to the median for the industry, and working with the organizations that request ICANN's help in mitigating the abuse.</p>

Part II. Implementation of New gTLD Applicant Guidebook and Registry Agreement	
GAC Question (Hyderabad Communiqué)	ICANN Response (8 Feb. 2017)
<p>2. Security Checks, Specification 11, Section 3(b)</p> <p>d. If ICANN is NOT conducting this research, please explain why not. In the interests of transparency, the GAC requests a report containing these statistics and summaries of actions taken in response to the security threats identified above.</p>	<p>At this point in time, the tool used to aggregate and report on DNS abuse is still under development. The current plan is to have the tool in beta by the second quarter of 2017</p>
<p>e. The GAC would like to remind ICANN that the list of Security Threats in the New gTLD Safeguards is not meant to be exhaustive. In fact, the Security checks Safeguard applicable to all New gTLDs refers to “security threats such as phishing, pharming, malware, and botnets” (emphasis added), which does not exclude other relevant threats. Please describe what analysis and reporting is conducted regarding other relevant threats not listed above, including spam?</p>	<p>The tool being developed is limited to the data we can collect from the various malicious domain name-related services such as SURBL, Spamhouse, etc. At this time, the data available allows us to aggregate information relating to malware, botnet command and control, phishing, and spam. As more forms of abuse are provided via data feeds we can gain access to, the tool will be modified as appropriate.</p>

Follow-up			
#	Follow-up GAC Question	ICANN Answer to Follow-up Question	Status
II.2.1	The purpose of this question was to solicit beneficial information on how Specification 11 3(b) is fostering greater security through diligence, transparency and action, especially in the new gTLD space. The response provided on the receipt of reports with unidentified actions, statistics, etc. should be more detailed in determining whether Specification 11, 3(b) is successful in identifying, mitigating and attributing abuse on the DNS through domain name registrations.	The result of ICANN’s review of selected registry operators (and their registry service providers) has indicated that new gTLDs are complying with the Specification 11 3(b) requirements, and therefore, they are being diligent about monitoring security threats and maintaining reports on identified threats due to this provision.	Open Contractual Compliance
II.2.2	Can ICANN provide the list of statistical reports it has received, per below response?	As stated in response below (II.2.3), some of the reports were to validate compliance with Specification 11 3(b) and others to review based on a third party complaint or media.	Open Contractual Compliance

Follow-up			
#	Follow-up GAC Question	ICANN Answer to Follow-up Question	Status
II.2.3	How many reports has ICANN received?	ICANN will need to initiate a manual effort to pull the report count, as it is only tracked and reported on by the activity it was obtained thru. For example, in 2014, 264 TLDs were subject to the proactive monitoring of compliance with Specification 11 3(b). Other reports have been obtained through audit activities (which are not kept in perpetuity) and the review of a registry operator's compliance in response to third party information or media.	Open Contractual Compliance
II.2.4	Does ICANN take any action based on the content of those reports? If so, what actions, specifically? If not, why?	ICANN reviews the reports it receives through its Specification 11 3(b) reviews and, where applicable, may ask for additional information from the registry operator providing the report. This information may include requests for explanation about the structure or content of the report. For example, a registry operator may be asked to explain its description of threats that are labeled as false positives or what follow up the registry operator did in response to an identified threat in the report.	Open Contractual Compliance
II.2.5	Please list and describe what specific actions on domain names with potential threats are taken? Is there reporting to law enforcement or national CERTs? ICANN contractual enforcement actions? Other actions?	There is no requirement in the registry agreement or other ICANN policy for registry operators to take specific actions on domain names with potential threats. However, registry operators have been collaborating with the Governmental Advisory Committee's Public Safety Working Group on finalizing a voluntary Specification 11 3(b) security threat framework that addresses what actions can be taken when security threats are identified and reported. Regarding ICANN Contractual Compliance's actions, if an identified security threat appears on a Specification 11 3(b) report provided to ICANN, ICANN may ask the registry operator what steps it took to follow up on the threat or for explanation if no step taken.	Open Contractual Compliance

Follow-up			
#	Follow-up GAC Question	ICANN Answer to Follow-up Question	Status
II.2.6	Please provide statistics on open/closed/pending actions reported.	Each security threat report provided to ICANN in conjunction with review of compliance with Specification 11 3(b) is assessed on a case-by-case basis (and as noted above in response to II.2.5, no specific action is required by the registry operator to demonstrate compliance). As such, ICANN Contractual Compliance does not keep statistics on actions taken by registry operators in this regard.	Open Contractual Compliance
II.2.7	How is “Additional details on threats such as IP address, geographic location, and registrant information” used in relation to security checks?	Registrant-related information may be helpful for registry operators when they are determining whether, and if so, which steps to take to address an identified security threat.	Open Contractual Compliance
II.2.8	What specific actions does ICANN take regarding “trends and alerts?”	<p>Audit team continuously adjusts selection criteria and program objectives upon learning new trends or alerts that are a concern to ICANN stakeholders and the community.</p> <p>Any Specification 11 3(b) report information regarding “trends and alerts” is also considered during ICANN’s overall review of compliance with the requirement to maintain statistical reports on security threats to the TLD. Such information is also suspected to be beneficial to the registry operator in determining next steps regarding the identified security threats.</p>	Open Contractual Compliance

Follow-up			
#	Follow-up GAC Question	ICANN Answer to Follow-up Question	Status
II.2.9	The GAC PSWG is aware ICANN has been working on an Advisory to clarify the provisions of Specification 11 section 3(b) in the New gTLD Registry Agreement relating to the identification and reporting of Security Threats. Considering the origin of these provisions in the New gTLD GAC Safeguards, does ICANN plan to consult with the GAC PSWG in this matter?	<p>The Advisory offers one voluntary approach registry operators may adopt to perform such technical analyses to assess security threats and produce statistical reports as required by Specification 11 (3)(b). It should be noted that registry operators who use the practices as set forth in the Advisory are not automatically deemed to be compliant. In all cases, registry operators remain subject to the same level of case-by-case, fact-based inquiry processes and audit to evidence compliance.</p> <p>Consistent with the practice for a number of other advisories that have been published on icann.org: https://www.icann.org/resources/pages/advisories-2012-02-25-en, ICANN organization plans to proceed with the publication of the Advisory without additional consultation with stakeholders who are not the direct recipients of this guidance communication.</p>	Open GDD Services
II.2.10	When does ICANN plan to issue these clarifications?	ICANN organization plans to publish the Advisory before the ICANN 59 meeting in Johannesburg.	Open GDD Services

Part II. Implementation of New gTLD Applicant Guidebook and Registry Agreement

GAC Question (Hyderabad Communiqué)

3. Awareness Efforts by ICANN on Registries' Obligations

What efforts does ICANN undertake to ensure registries, are educated and aware of their contractual obligations? Is there an ICANN training program with corresponding links and information?

ICANN Response (8 Feb. 2017)

ICANN conducts outreach to contracted parties at ICANN public meetings, GDD Industry Summits, via webinars, and through published material on ICANN.org. The outreach provides overall contractual guidelines, informs of policy and/or contract changes, and provides an opportunity to proactively collaborate and address compliance issues.
In addition to the ongoing efforts outlined above, in 2014, ICANN's Global Domains Division conducted a series of global, interactive, hands-on workshops designed to provide guidance to Registry Operators, Registry Back-end Technical Operators, and Agents of Registries.

Follow-up

#	Follow-up GAC Question	ICANN Answer to Follow-up Question	Status
	None		

Part III. DNS Abuse Investigation, reporting and mitigation performance

GAC Question (Hyderabad Communiqué)

1. Abuse Investigations, Research, Reports

ICANN's IS-SSR programs are an internal resource that could be utilized for contract enforcement purposes. In addition to ICANN's IS-SSR programs, there are several publically available anti-abuse reports that can be used to assist ICANN in enforcing contractual obligations with gTLD registries and registrars.

- a) Is ICANN contract compliance staff aware of such publically available abuse reports?
 - i. If so, does ICANN utilize these to assist in contract enforcement?
 - ii. If ICANN utilizes such publicly available abuse reports for contract enforcement purposes, how does it utilize such reports?
 - iii. Identify what reports or sources ICANN utilizes?
 - iv. If ICANN does not utilize these reports for contract enforcement purposes, is there any reason why not to? Are there any plans or a willingness to do so in the future?
- b) Does ICANN have any intention to utilize its IS-SSR programs for contract enforcement purposes?
 - i. If so, how?
 - ii. If not, why not?
 - iii. Has ICANN's IS-SSR considered establishing a baseline for good registry and registrar behavior? If so, please provide details.

ICANN Response (8 Feb. 2017)

Regarding questions III.1.a and III.1.b, ICANN's Contractual Compliance Approach and Process includes monitoring activities that are ICANN-initiated, based in part on industry articles and trend analysis. This includes publicly available anti-abuse reports and ICANN-generated reports. These reports may be used for Compliance review and action to the extent that the reports cover topics that are within the scope of the 2013 Registrar Accreditation Agreement and Registry Agreement. In addition, these reports are one part of the selection criteria for the registrar and registry audit programs.

Follow-up			
#	Follow-up GAC Question	ICANN Answer to Follow-up Question	Status
III.1.1	ICANN has not provided information about how it utilizes “ <i>publicly available abuse reports</i> ” (question III.1.a.ii). The answer “ <i>These reports may be used for Compliance review and action to the extent that the reports cover topics that are within the scope of the 2013 Registrar Accreditation Agreement and Registry Agreement</i> ” does not provide any information on what specifically ICANN contract compliance does with the reports , especially as it relates to IS-SSR. For example, if IS-SSR either finds out from a third-party or discovers through ICANN internal analysis, that a registrar or registry is either committing abuse or allowing abuse, what does Contract Compliance do? Is there a formalized process to deal with these situations?	There is a formalized approach and process that applies to all activities conducted by ICANN Contractual Compliance. The team reviews the report and collaborates with ICANN’s internal sources for clarity on identified issues and to ensure they are within the scope of the 2013 Registrar Accreditation Agreement and Registry Agreement. If the reports implicate a potential noncompliance, ICANN will inquire of the relevant contracted party regarding the report’s contents to determine if it is in scope of ICANN’s agreements and policies.	Open Contractual Compliance
III.1.2	ICANN has not identified reports or sources it utilizes (question III.1.a.iii). Please provide specifics.	<p>ICANN makes use of various Open Sources Intelligent (OSInt) platforms when investigating abuse. These include platforms such as Domain Tools (http://domaintools.com), Cyber Tool Belt (http://cybertoolbelt.com) and similar platforms. We also access directly individual technologies that feed these and other platforms including Whois, traceroute, DIG passive DNS and Reputation Feeds (SURBL, Spamhaus).</p> <p>ICANN is currently in the process of developing a tool to track abuse of the TLD name space. This tool is named the "Domain Abuse Reporting Tool" or DART. The tool is an aggregator of multiple (currently twenty) reputation feeds related to domain names. DART is in the Beta test platform stage. The project was introduced to the GAC’s Public Safety Working Group in Copenhagen and discussions have also recently been started with the community in order to gain feedback on how the tool should/could be enhanced and used. See also, https://www.icann.org/en/system/files/files/presentation-dart-13may17-en.pdf</p>	Open OCTO

III.1.3	<p>ICANN has not answered whether it intends “to utilize its IS-SSR programs for contract enforcement purposes” (question III.1.b.i), and if so how, and if not, why.</p>	<p>ICANN Contractual Compliance is the function responsible to enforcing the contract. Therefore, if the programs and reports implicate a potential noncompliance, ICANN will inquire of the relevant contracted party regarding the report’s contents and follow the established approach and process for enforcement, if necessary based on the review.</p>	<p>Open Contractual Compliance</p>
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Part III. DNS Abuse Investigation, reporting and mitigation performance

GAC Question (Hyderabad Communiqué)

2. Multi-Jurisdictional Abuse Reporting

ICANN's former Chief Contract Compliance Officer, Allan Grogan, published a blog post on 1 October 2015 entitled "Update on Steps to Combat Abuse and Illegal Activity". In this blog post, Mr. Grogan indicates the complainant must identify the law/regulation violated and the applicable jurisdiction. Many cyber/malware/botnet attacks affect many TLDs spread across many international jurisdictions.

- a) Please clarify what procedures should be followed when a complainant seeks to submit valid reports of abuse to registrars involving incidents in multiple jurisdictions?
- b) In particular, what does ICANN require from complainants to identify those laws/regulations in the jurisdictions of each affected registrar?

ICANN Response (8 Feb. 2017)

Reporters should provide as much information as possible when submitting a complaint, including information regarding alleged violations of laws/regulations in one or more applicable jurisdictions.

As stated in the blog, ICANN Contractual Compliance considers it reasonable for a registrar to expect that a report of abuse or illegal activity should meet at least the following criteria, absent extenuating circumstances or reasonable justification:

1. The complaining party should be identified in the abuse report and should provide a way for the registrar to contact the complaining party.
2. The specific url(s) that are alleged to be the source of the abuse or illegal activity should be identified, i.e., the registrar should not have to guess or search the website to understand where the offending material is located or offending activities are being conducted.
3. The nature of the alleged abuse or illegal activity should be identified with specificity, including identification of the relevant law or regulation alleged to be violated and the applicable jurisdiction where such law or regulation is in effect.
4. If the complaint alleges infringement or violation of an individual or entity's rights under a law or regulation, the report should identify the individual or entity whose rights are alleged to be violated or infringed, and the relationship between the complaining party and such rights holder (e.g., is the complaining party the individual or entity whose rights are alleged to be violated or infringed, or an authorized agent of that party or is there some other relationship).
5. If a court, regulatory authority, or law enforcement agency has made a formal determination that abuse or illegal activity is taking place, that formal determination should be submitted if available.
6. If the abuse report requests the registrar's compliance with a particular law or regulation, it should set forth the basis for believing that the registrar is subject to that law or regulation.
7. A complaining party should not submit multiple abuse reports complaining about the same instance of the same activity if the registrar has previously responded to an abuse report about that activity.

ICANN requires sufficient information to enable ICANN and the registrar to review and determine a proper response or action in relation to the alleged violation of law or regulation for the applicable jurisdiction(s).

Follow-up			
#	Follow-up GAC Question	ICANN Answer to Follow-up Question	Status
	None		