I C A N N

ANNUAL GENERAL

63

BARCELONA

20–25 October 2018

Registrar Outreach

ICANN Contractual Compliance

ICANN 63
22 October 2018

Agenda

⊙ Brief Update Since ICANN61/62

   ⊙ Registrar Compliance Update
   ⊙ Registrar Outreach Update
   ⊙ Enhanced Transparency in Reporting
   ⊙ Contractual Compliance Audit Update

⊙ Questions and Answers

⊙ Appendix for your reference
   ⊙ PICDRP Update
   ⊙ Policy Efforts

Note: ICANN Contractual Compliance met with the Registrar Stakeholder Group (RrSG) during the Policy Meeting (ICANN62) as a follow-up to the May 2018 GDD Summit.

Registrar Compliance Update

Registrar Compliance Update

1 — **Temporary Specification and Compliance**
Implementation and enforcement of Temporary Specification

2 — **Temporary Specification – Complaint Processing**
ICANN Contractual Compliance complaint processing post Temporary Specification

3 — **Temporary Specification – Transfer Validation**
Transfer complaint processing in light of Temporary Specification Appendix G

4 — **Temporary Specification – RAA Obligations Unchanged**
Registrar obligations unchanged by Temporary Specification

5 — **Temporary Specification – Reporter Perspective**
Common complaints from reporters post Temporary Specification

1. Temporary Specification – Implementation

Implementation of Temporary Specification for gTLD Registration Data

- Temporary Specification became effective 25 May 2018
  - Applies to all ICANN contracted parties
  - Contracted parties' compliance with GDPR is not in scope

- Complaints and monitoring efforts regarding compliance with Temporary Specification are processed using same Approach and Process as other complaint types (https://www.icann.org/resources/pages/approach-processes-2012-02-25-en)

- No new complaint type; complaints continue to be received and processed from existing web form submissions

- Most complaints received to date are regarding changes to registration data (e.g., data is perceived as missing)

2. Temporary Specification – Complaint Processing

ICANN Contractual Compliance Complaint Processing

- ⊙ Contractual Compliance adjusted review of complaints to account for changes in registration data

- ⊙ Requesting different/additional information where necessary to understand situation (e.g., confirmation of communications)

- ⊙ For any complaint review that requires unredacted registration data, ICANN requests specific data from contracted party, including:
    - ⊙ Transfer, change of registrant and domain renewal
    - ⊙ UDRP/URS and abuse reporting
    - ⊙ WHOIS Inaccuracy and WHOIS Format
    - ⊙ Self-registration and reseller agreement
    - ⊙ Privacy/Proxy and Data Escrow

- ⊙ Access to unredacted registration data enables ICANN to close invalid complaints before sending them to contracted parties

2. Temporary Specification (Continued)

- Section 5.7 of Temporary Specification requires contracted parties to provide ICANN Contractual Compliance with reasonable access to registration data upon request, for processing of contractual compliance matters

    - Section 4.4.13 of Temporary Specification: processing contractual compliance matters is a legitimate purpose for processing registration data

- Limit scope of requests to narrowly tailored data/information

- Inquiries used where registration data is redacted

- Additional review/alignment may cause delays in processing

- Transfer complaint review adjusted to account for Temporary Specification Appendix G changes (updated approach is noted in red on following slide)

3. Temporary Specification - Transfer Validation

Transfer compliant processing with Temporary Specification Appendix G

- There are various requirements under the Transfer policy related to inter-registrar transfers and change of registrant
  - Appendix G of Temporary Specification adds new requirements
- If determined in scope of RAA and Transfer Policy, complaint will be forwarded to registrar for review
- ICANN's requests for information and records from registrar are driven by contractual and policy requirements, content of complaint and available information
  - Copies of correspondence between registrar/reseller and reporter/registrant
  - If applicable, non-public registration data for relevant fields
  - Reason for denial of transfer or change of registrant
  - Gaining registrar to confirm access to registration data; if no access: FOA is not requested; will not ask for Change of Registrant; will ask for WHOIS Accuracy Program Specification validation/verification confirmation
- Additional follow up with reporter and registrar as needed

4. Temporary Specification – RAA Unchanged

Registrar obligations unchanged by Temporary Specification

- Examples of Registrar Accreditation Agreement or registrar Consensus Policy obligations which are unchanged by Temporary Specification:
  - Provision of registrar web-based and port 43 (where applicable) WHOIS services (Section 3.3)
  - Data escrow (Section 3.6)
  - WHOIS inaccuracy and WHOIS Accuracy Program Specification requirements (Section 3.7.8)
  - Fees (Section 3.9)
  - Reseller agreement (Section 3.12)
  - Registrar Information Specification (Section 3.17)
  - Abuse report handling (Section 3.18)
  - Privacy/proxy services (Section 3.1.4.5)
  - Change of Registrant lock (Transfer policy)
  - Renewal reminders and domain expiration obligations (Expired Registration Recovery Policy)

5. Temporary Specification – Reporter Perspective

Common complaints from reporters post Temporary Specification

- ⊙ Reporter believes registration data is "missing" from public WHOIS

- ⊙ Reporter believes all non-European data should be displayed

- ⊙ Reporter wants their registration data to be displayed

- ⊙ Reporter believes privacy/proxy service data are redactions

- ⊙ Registry WHOIS output is displayed recursively by registrar

- ⊙ Email address or web form used for redactions is non-functional

- ⊙ Registry WHOIS service is not displaying required message in email fields

- ⊙ Gaining registrar continues to require FOA even when not required

Registrar Outreach Update

Registrar Outreach Update

Contractual Compliance participated in the following events:

- ⊙ China outreach visit in Guangzhou, China (April 2018)

- ⊙ Registrar Workshop in Dakar, Senegal organized by ICANN org as part of Africa Internet Summit 2018 Senegal (May 2018)

- ⊙ Registrar outreach in Seoul, South Korea organized by Korea Internet & Security Agency (KISA) (August 2018)

- ⊙ Registrar site visit in North America (September 2018)

- ⊙ To learn more, please visit Compliance Outreach page at this link https://www.icann.org/resources/compliance-reporting-performance

Enhanced Transparency in Reporting

Enhancing Transparency in Reporting

- New quarterly report for both registrars and registries, "Closed Complaints by Inquiry/Notice Category", available starting Quarter One 2018

- Effective 1 July 2018, no further quarterly newsletters are published

- Input to Subgroup #1 – SSR1 Review focused on reviewing implementation of first Security, Stability and Resiliency (SSR1)

- Input to questions received from Expedited Policy Development Process (EPDP) team

- Blog published July 2018 on Enforcing the Temporary Specification

- Reports and input are published at https://features.icann.org/compliance

Contractual Compliance Audit Update

Contractual Compliance Audit Program Update

- ⊙ Audit plans updated with expanded questions and testing to address DNS abuse
  - ⊙ Requests focus on process, procedures and handling of DNS abuse
  - ⊙ Testing focuses on review of security threat reports

- ⊙ March 2018 Compliance launched full registry audit using updated plan
  - ⊙ 20 new gTLDs were in scope of this audit round
  - ⊙ Audit round completed 1 October 2018
  - ⊙ Audit Report being prepared for publication

- ⊙ New registry audit round will start end of October 2018

- ⊙ No plans for new registrar audit round at this time

- ⊙ Enhanced audit reporting – publish list of auditees selected for a current round

Questions & Answers

Send compliance questions

To: compliance@icann.org

Subject line: ICANN 63 Registrar Outreach Session

The ICANN 63 presentations are available at:

- The ICANN Contractual Compliance outreach page at this link
https://www.icann.org/resources/compliance/outreach

- The ICANN 63 Schedule page at this link https://schedule.icann.org/

Appendix

PICDRP Update
Policy Efforts

PICDRP Update

Public Interest Commitment Dispute Resolution

Public Interest Commitment Dispute Resolution Procedure

- ICANN Complaints Office received and responded to complaint regarding ICANN Contractual Compliance PICDRP complaint handling

- 3 October 2018 report published at https://www.icann.org/en/system/files/files/complaint-response-c-2018-00010-23aug18-en.pdf

- Recommendation to align procedure with principles of transparency by sharing communications between all parties during PICDRP Standing Panel evaluation period

Policy Efforts

Policy and Working Group Efforts - Registrar

Actively contributing to Registrar-related policies, Working Groups and Implementation Review Teams

⊙ WHOIS Review Team

⊙ Translation and Transliteration of Contact Information

⊙ Privacy and Proxy Services Accreditation Issues

⊙ Security, Stability and Resiliency Review Team

⊙ Internationalized Domain Name guidelines

⊙ Expedited Policy Development Process on Temporary Specification for gTLD Registration Data