ICANN 64

COMMUNITY FORUM

KOBE

9–14 March 2019

At-Large: Understanding Compliance in ICANN

ICANN Contractual Compliance

ICANN 64
13 March 2019

Agenda

- Overview of session

- Introduction to ICANN Contractual Compliance

- Common complaint scenarios

- ICANN Contractual Compliance performance reports

- Questions and answers

Introduction to ICANN Contractual Compliance

ICANN Contractual Compliance

- ⊙ Role of ICANN Contractual Compliance

  - ⊙ Plays important part in implementation of community policies

  - ⊙ These policies, and other DNS-related provisions, are incorporated into ICANN's agreements with registries and registrars

- ⊙ By enforcing these agreements, Contractual Compliance:

  - ⊙ Upholds community policies and preserves DNS stability and security

  - ⊙ Contributes to credibility and legitimacy of ICANN's multi-stakeholder model

Contractual Compliance Process and Approach
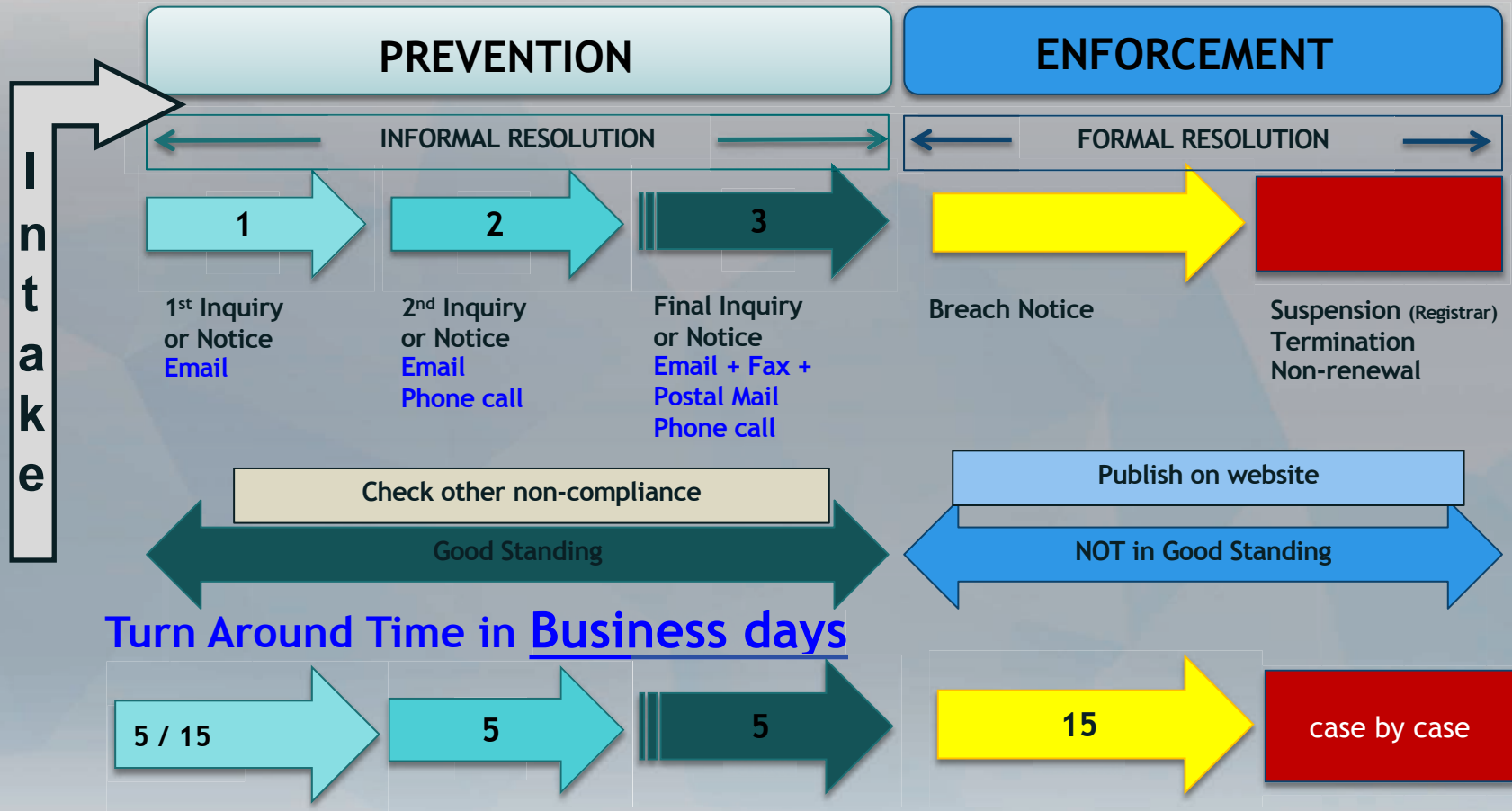
Link: http://www.icann.org/en/resources/compliance/approach-processes/overall-19jun13-en.pdf
5 business days deadline for most complaints; 15 business day deadline for Whois Inaccuracy Complaints

Common Complaint Scenarios

Compliance Scenarios For Discussion

Q1: Complaint claims telephone numbers in WHOIS for North American based company are redacted.

a) Compliance issue
b) Not a Compliance issue
c) Depends

Likely not a compliance issue. Temporary Specification for gTLD Registration Data, Appendix A, Section 3, permits registrars that are not required to redact information to optionally do so if it is technically infeasible to treat data that is required to be redacted differently than data that is not required to be redacted.

Compliance Scenarios For Discussion

Q2: Complainant emailed Registrant email address in WHOIS and received no response.

a) Compliance issue
b) Not a Compliance issue
c) Depends

Not a compliance issue. Registrants are not required to respond to emails and non-response does not necessarily indicate the email address is inaccurate. Evidence of a rejected email address required to start the Compliance process with a registrar for inaccurate WHOIS.

Compliance Scenarios For Discussion

Q3: Domain name holder complaints about problems transferring domain name to different web hosting company

a) Compliance issue
b) Not a Compliance issue
c) Depends

Not a compliance issue. Only inter-registrar transfers are within scope of the Transfer Policy. Non-contracted parties, including web hosting and other service providers, are out of the contractual authority of ICANN.

Compliance Scenarios For Discussion

Q4: Complainant's domain name registration was transferred to different registrar after unauthorized access to control panel.

a) Compliance issue
b) Not a Compliance issue
c) Depends

Likely not a compliance issue. Domain name hijacking and return of a domain name to a complainant are outside of ICANN's contractual authority. However, ICANN Contractual Compliance will review whether the transfer was conducted according to Transfer Policy and Temporary Specification for gTLD Registration Data. Complaints regarding unauthorized access to control panel or email hijacking should be addressed with law enforcement.

Compliance Scenarios For Discussion

Q5: Domain name holder is trying renew domain name but reseller is not responding.

a) Compliance issue
b) Not a Compliance issue
c) Depends

Likely a compliance issue. Registrars are accountable for their resellers' actions that are within scope of the ICANN agreements and policies. The domain name holder can also try contacting the registrar directly.

Compliance Reporting

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

- Other reports and blogs are published at
  https://www.icann.org/resources/pages/compliance-reports-2018

- Compliance Outreach activities
  https://www.icann.org/resources/compliance/outreach

Contractual Compliance Performance Reports

ICANN Contractual Compliance Performance Reports

Performance measurement provides metrics to the community on compliance activities through the dashboard and additional reports related to operational data, regional data and complaint specific data. The reports measure EFFICIENCY and EFFECTIVENESS as defined below.

Efficiency is defined as "doing things right" and measures process cycle time, response time, backlog, staffing utilization among other measures.

Effectiveness is defined as "doing the right things" and measures include the number and categorization of people serviced, the accomplishments aka enforcement criteria and resolution, quality of service via the complaint satisfaction survey at the closure of every ticket.

Metrics and Dashboards

Current and previous years

Contractual Compliance Metrics for a rolling 13-month period

- Percentage of Registrars with Complaints by Region & Country
- Percentage of Registries with Complaints by Region & Country
- Complaints per Notification Cycle by Region
- Informal Complaints by Region
- Formal Complaints by Type & Region
- Formal Notices (Enforcement)
- Complaint Count by TLD Round & Region
- Domain Count by gTLD per Region
- Domain Count Trends by gTLD
- Domain Count by Registrar

Complaint Count
January 2018 -January 2019

Registrar Informal: 37,975
Registry Informal: 1,043
Formal: 50

% of Registrars with Complaints by ICANN Region

Screenshot

Contractual Compliance Performance Reports

Contractual Compliance Performance Measurement

Performance metrics provide information to the community on compliance activities through dashboards and reports.

Monthly dashboards present data on the complaint volume, the process volume and turn-around times. For more details, read our guide to the monthly dashboard reports. ICANN increased the level of granularity reported in the monthly dashboards. For details read the Additional Information on the Subject Matter of Complaints guide.

Quarterly Reports provide Contractual Compliance data for each quarter beginning January 2017. For more details, read our ICANN Contractual Compliance Quarterly Metrics Explanation.

Annual Reports are intended to provide a calendar year view into the compliance landscape. See individual reports for descriptions.

2019 | **2018** | 2017 | 2016 | 2015 | 2014 |

2018 Monthly Dashboards

JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC

2018 Quarterly Reports

Q1 (JAN-MAR) Q2 (APR-JUN) Q3 (JUL-SEP) Q4 (OCT-DEC)

2018 Annual Reports

- Enforcement Reasons for Registrars and Registries
  This report presents data about the Formal Resolution Process broken out by enforcement reason.

- Reporter Category
  This report presents the number of compliance tickets created during the calendar year summarized by Reporter.

Screenshot
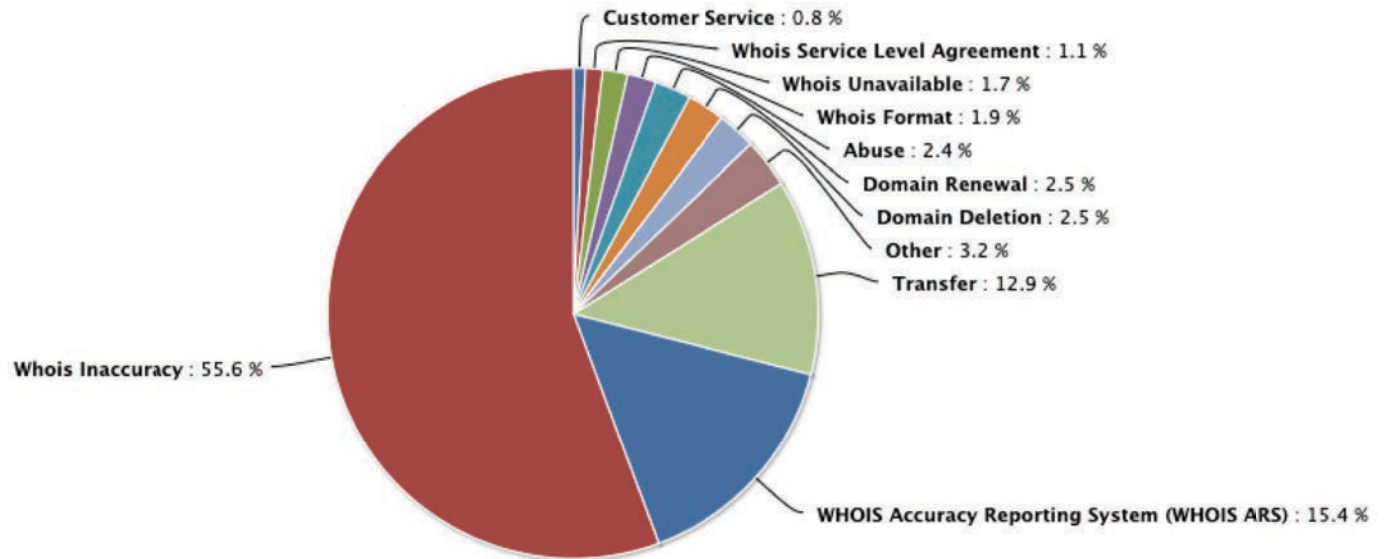
- Compliance Approach & Process

Complaints by Region

Region	Volume Received	Volume Closed Before 1st Notice	Volume 1st Notice Sent	Volume 2nd Notice Sent	Volume 3rd Notice Sent	Volume Closed
Africa	107	37	37	9	4	75
Asia/Australia/Pacific	10617	6210	3537	506	129	9952
Europe	5182	3220	1314	246	48	4568
Latin America/Caribbean	302	201	79	19	9	282
North America	18777	13601	4337	374	65	18079
Unknown	3247	3180	73	1	1	3250
Total	38232	26449	9377	1155	256	36206

Informal Complaint Volume by Type	Jan 18	Feb 18	Mar 18	Apr 18	May 18	Jun 18	Jul 18	Aug 18	Sep 18	Oct 18	Nov 18	Dec 18	Jan 19
Africa	5	5	11	7	6	1	21	23	-	8	9	4	7
Asia/Australia/Pacific	975	937	920	656	787	618	1507	1692	444	469	651	370	591
Europe	419	324	361	432	395	280	1005	767	208	227	276	209	279
Latin America/Caribbean	15	29	13	20	12	22	80	28	13	22	13	12	23
North America	1571	1404	1414	1532	1341	1285	2579	1795	1214	1242	1191	1028	1181
Unknown	323	329	317	332	288	172	230	382	221	151	155	154	193

Complaints by Complaint Type

Registrar Informal Complaint Volume by Type: January 2018 - January 2019

Customer Service : 0.8 %
Whois Service Level Agreement : 1.1 %
Whois Unavailable : 1.7 %
Whois Format : 1.9 %
Abuse : 2.4 %
Domain Renewal : 2.5 %
Domain Deletion : 2.5 %
Other : 3.2 %
Transfer : 12.9 %
Whois Inaccuracy : 55.6 %
WHOIS Accuracy Reporting System (WHOIS ARS) : 15.4 %

Informal Complaint Volume by Type	Jan 18	Feb 18	Mar 18	Apr 18	May 18	Jun 18	Jul 18	Aug 18	Sep 18	Oct 18	Nov 18	Dec 18	Jan 19	Total
Abuse	58	43	50	66	58	63	60	72	75	79	101	62	107	894
CEO Certification	7	23	-	-	-	-	-	-	-	-	-	-	2	32
Customer Service	36	38	31	21	23	19	25	16	31	13	15	15	10	293
Data Escrow	10	19	8	20	7	16	4	5	8	45	23	2	73	240

Contractual Compliance Reports & Blogs

Resources

- About ICANN
- Board
- Accountability
- Governance
- Groups
  - Business
  - Civil Society
- Complaints Office
- Contractual Compliance
  - About
  - Programs
  - Complaint Submission & Learn More
  - Reporting & Performance Measurement
    - Notices
    - Performance Reports
    - Reports
    - Outreach

Contractual Compliance Reports 2018

2018 | 2017 | 2016 | 2015 | 2014 | 2013 | 2012 | 2011 | 2010 | 2009 | 2008 | 2007 | 2006

Annual Report

(Effective January 2019, no further Annual Reports will be published; Please refer to ICANN Annual Report at this page https://www.icann.org/resources/pages/governance/annual-report-en)

Quarterly Report

2018 Contractual Compliance Quarter One Report [PDF, 405 KB]

2018 Contractual Compliance Quarter Two Report [PDF, 296 KB]

(Effective 1 July 2018, no further Quarterly Reports will be published)

Audit Report

2018 March Contractual Compliance New Registry Agreement Audit Report [PDF, 280 KB]

Blogs

March 2018 - Enhancing Transparency in Contractual Compliance Reporting

July 2018 - Enforcing the Temporary Specification

November 2018 - Contractual Compliance: Addressing Domain Name System (DNS) Infrastructure Abuse

Screenshot

Contractual Compliance Outreach Activities

Resources

- About ICANN
- Board
- Accountability
- Governance
- Groups
  - Business
  - Civil Society
- Complaints Office
- Contractual Compliance
- Registrars
- Registry Operators
- Domain Name Registrants
  - GDD Metrics
- Identifier Systems Security, Stability and Resiliency (OCTO IS-SSR)
- ccTLDs
- Internationalized Domain

Compliance Outreach Activities | 2018

2019 | 2018 | 2017 | 2016 | 2015 | 2014 | 2013 | 2012 | 2011 | 2010

(Listed most recent first)

2018 Events

ICANN 63 Readout Session – 28 November 2018

Contractual Compliance Istanbul team participated at ICANN org readout session in Istanbul and presented Compliance Program Update from ICANN 63. The session was hosted by the IT Law Institute of Bilgi University; about 50 participants, mostly students and young professionals participated in the event. This is the first "physical" readout session held in the Middle East and in Turkey. Readout sessions are held in all regions following each ICANN Public Meeting. These readout sessions contribute to the ongoing engagement efforts and enable broader regional participation in ICANN. ICANN's Global Stakeholder Engagement team, often in partnership with stakeholders in the region, host these events and use the platform to summarize the relevant topics and discussions that took place during the ICANN Public Meeting.

Nordic Outreach – 21 November 2018

Contractual Compliance Istanbul team conducted Registrar Training for Nordic Registrars and Resellers in Stockholm, Sweden in partnership with Global Domains Division and Global Stakeholder Engagement teams. Topics presented included Enforcing Temporary Specification, Abuse, Uniform Domain Dispute Resolution (UDRP), Transfer Policy and about ICANN's Contractual Compliance Approach and Process.

Contractual Compliance Registry Audit Outreach Sessions – November 2018

ICANN launched a DNS infrastructure abuse-focused audit for [Screenshot] TLDs and held two audit

Questions & Answers

Send compliance questions

To: compliance@icann.org

Subject line: ICANN 64 ALAC Compliance

The presentation is available at:

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

Appendix

Contractual Compliance Complaint

WHAT IS A CONTRACTUAL COMPLIANCE COMPLAINT?

Key players

Internet Corporation for Assigned Names and Numbers (ICANN)
ICANN helps coordinate the world's Internet system of unique identifiers. When you type a web address into your browser, the identifiers that ICANN helps coordinate take you to the right place.

Registries and Registrars
You can register a domain name under a gTLD through an ICANN-accredited registrar. Registries keep the master database of all domain names registered in each TLD through contracts with ICANN and registrars.

ICANN Contractual Compliance
Contracts are enforced through ICANN's Contractual Compliance team. The mission is to preserve the security, stability, and resiliency of the Domain Name System and to promote consumer trust through prevention, enforcement and transparency.

Domain Name Holders
When someone has a complaint about a domain name, registrar, or registry, Contractual Compliance is often the first stop to try and resolve the complaint. Its online complaint filing system is easy to use and most users can expect a resolution within 17 days of filing.

Common complaints handled by ICANN

Domain name transfer issues related to unauthorized transfers or unsuccessful transfer requests

Domain name renewal issues related to fees, renewal reminders, or redemptions

Domain name registration information issues related to incorrect WHOIS data or access to WHOIS data

Registry codes of conduct issues related to registry violations such as providing more favorable treatment to some registrars

Who can you contact?

Contact your **registry** or **registrar**.

File a complaint with **ICANN's Contractual Compliance team**.

For some issues, you need to contact **law enforcement, legal counsel, consumer protection agencies, or government regulatory authorities**.

Other **external resources** are listed on ICANN's Security Awareness Indicator page: go.icann.org/2FoAIdZ.

Learn more about **Domain Name System infrastructure abuse** like malware, botnet command and control, and phishing: www.icann.org/octo-ssr.

How do you file a complaint?

Go to:
www.icann.org/compliance.

Click your complaint type, then follow the instructions to file a complaint.

ICANN works with the registering organization to resolve the issue if it is within the scope of the agreement and policies.

Complete a customer satisfaction survey to help ICANN continuously improve its customer service.

Visit us at: **icann.org/compliance**
Email us at: **compliance@icann.org**

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Outreach Update

Contractual Compliance participated in these events since ICANN 63:

- Middle East DNS Forum Outreach in Dubai, UAE (February 2019)

- Registrar/reseller outreach at NamesCon in Las Vegas, Nevada (February 2019)

- ICANN 63 Readout Session in Istanbul, Turkey (November 2018)

- Nordic registrar Outreach in Stockholm, Sweden (November 2018)

- Registry Audit Outreach Sessions via webinar (November 2018)

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

Policy and Working Group Efforts

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

- Expedited Policy Development Process on Temporary Specification for gTLD Registration Data
- RDAP implementation
- Internationalized Domain Name guidelines implementation
- New gTLD Subsequent Procedures
- Competition, Trust and Choice Review
- WHOIS Review Team
- Translation and Transliteration of Contact Information
- Privacy and Proxy Services Accreditation Issues
- Security, Stability and Resiliency Review Team

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

Common Complaints Since Temporary Specification

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

- ⊙ Large effort in educating reporters regarding Temporary Specification requirements and changes to existing agreements and policies

Temporary Specification (continued)

Temporary Specification related complaint - reporting

- ◉ Approximately 716 complaints related to Temporary Specification since 25 May 2018
  - ◉ Majority closed after educating reporters on requirements

- ◉ Approximately 30 registrars and 5 registries received compliance inquiries/notices
  - ◉ Over half completed remediation or are currently remediating
  - ◉ Approximately 5 registrars challenged requirements and are continuing to collaborate with ICANN
  - ◉ Remainder in process

Temporary Specification (continued)

Complaint Type	2018-05	2018-06	2018-07	2018-08	2018-09	2018-10	2018-11	2018-12	2019-01	2019-02	Total
Registrar	41	67	51	46	36	80	70	127	114	72	704
Whois Inaccuracy	30	37	38	35	30	53	49	114	103	65	554
Whois Format	1	13	2	4		2	5	3	2	2	34
Whois Unavailable	2	7	3	3	3	4	1	3	3	5	34
Abuse		2	1		1	6	6	1	3		20
Transfer	5	3	4	1	2			1	1		17
Registrar Other						12	4	1			17
Whois SLA	1	2	2	1			1		1		8
Domain Renewal	1	3	1	1							6
Privacy/Proxy								1	2	1	4
Registrar Contact				1				1	1		3
UDRP	1					1					2
Registrar Info Spec						1			1		2
Customer Service									1		1
Domain Deletion							1				1
Failure to Notify						1					1
Registry		4							6	2	12
SLA									6		6
Registry Other		1								2	3
Bulk ZFA		2									2
URS		1									1
Grand Total	41	71	51	46	36	80	70	127	120	74	716

Common WHOIS Complaints

- Incorrect/invalid registration data displayed in WHOIS

- Domain holder challenges

  - Domain suspended or deleted for non-response to registrar or reseller

  - Registrants inability to update registration records

    - No access to control panel

    - Non-response from service provider or reseller

  - Domains registered in name of hosting providers, resellers or former employees of registrant organization

- Incorrect/invalid registrar abuse contact information in WHOIS

Common Transfer Complaints

- Unable to retrieve "AuthInfo" codes or unlock domain via control panel

- Transfer requests by someone other than registrant or Admin contact

- Transfer is between web hosts instead of registrars

- Registrar/reseller denied transfer due to unpaid future registration period or additional fee, such as "Transfer Fee"

- Unresponsive/uncooperative resellers

- Hijacked domain/email accounts and unauthorized transfers

Common Domain Renewal Complaints

- Registrant did not receive renewal reminders due to invalid registrant email

- Registrant not able to renew/restore domain because control panel was inaccessible

- Registrant paid renewal fee, but domain name was not renewed

- Registrar/reseller did not provide information about renewal/redemption fees

- Customer service problems such as failed renewal due to invalid payment methods and billing disputes (out of scope)

- Reseller's failure to send reminders, inform customer or other issue described above

ICANN's Limited Contractual Authority

⊙ ICANN does not have ability or contractual authority to:

  ⊙ Manage domain name registrations status or data

  ⊙ Transfer or return lost domain names

  ⊙ Investigate complaints about illegal activity such as domain hijacking or stolen email accounts

  ⊙ Address private disputes over domain name registrations

  ⊙ Address customer-service related complaints such as:
      ⊙ Payment disputes such as credit card failure
      ⊙ Issues related to additional services such as special promotions, hosting or email services
      ⊙ Technical issues related to nameserver or DNS settings