Dear ICANN org colleagues,

Please find below the follow up questions that the Registration Data Accuracy Scoping Team has following its review of the following materials, amongst others:

- Registration Data Accuracy Requirements and the General Data Protection Regulation (GDPR) (ICANN org briefing doc)
- Enforcement of Registration Data Accuracy Obligations Before and After GDPR (Blog post by Jamie Hedlund, ICANN org)
- ICANN Organization Enforcement of Registration Data Accuracy Obligations Before and After GDPR
- ICANN org responses to RDS-WHOIS2 RT questions related to accuracy (see also compilation)

We would appreciate your responses to these questions to facilitate our deliberations. If possible, we would appreciate if these responses could be received before our meeting on 23 December and that one or more org colleagues could join that meeting to brief the team accordingly. As the team continues its deliberations, further questions may arise, but we hope that with the list below we have identified the most pertinent ones.

Best regards,

Michael Palage
Chair, Registration Data Accuracy Scoping Team

Compliance staff training

1. How are ICANN staff members trained on assessing accuracy complaints? Are there guidelines for review? How is the quality of review assessed?

Accuracy Complaints

2. Previously Whois accuracy complaints were presumably mainly the result of publicly available registration data, but what kind of complaints is Compliance seeing now?
3. What is the main cause for complaints being rejected by ICANN Compliance instead of being passed on to registrars?
4. To what extent will ICANN Contractual Compliance respond to complaints that a registrant is using contact information that does not belong to them. That is, although the information is syntactically correct, the complainant claims that it is not being legitimately used by the registrant. This is particularly relevant to registrations associated with legal entities (the classic example is Facebook) but is not limited to them.
5. In past meetings, ICANN Compliance has stated in the past that complaints are "usually" from the Registrant. Does ICANN provide any metrics on the Data Inaccuracy complaints

from Registrants/Registered Name Holders and third parties? If so can ICANN Compliance provide those numbers.

6. Regarding ICANNs relationship with alternative dispute resolution providers, in WIPO UDRP Proceeding D2021-1050, the Panelist detailed multiple "inaccurate disclosures" regarding the registrant of the domain name in question and other "misconduct by the Respondent and by the Registrar." The Panelist further wrote that "[t]his is an issue that the Panel believes should be addressed by ICANN, and the Panel requests that the Center share this decision with ICANN so that ICANN may consider whether to impose restrictions on such behavior by registrars."
   a. Can ICANN confirm if WIPO ever contacted ICANN compliance in connection with this dispute and what if any actions did ICANN Compliance take?
   b. Does ICANN Compliance have a formal reporting channel for UDRP and URS providers to share information with ICANN compliance regarding false or inaccurate Registrant data?

7. "Upon the occurrence of a Registered Name Holder's willful provision of inaccurate or unreliable WHOIS information, its willful failure promptly to update information provided to Registrar, or its failure to respond for over fifteen (15) calendar days to inquiries by Registrar concerning the accuracy of contact details associated with the Registered Name Holder's registration, Registrar shall either terminate or suspend the Registered Name Holder's Registered Name or place such registration on clientHold and clientTransferProhibited, until such time as Registrar has validated the information provided by the Registered Name Holder". (RAA Whois Accuracy Program Specification) In receipt of an inaccuracy complaint does ICANN compliance track the actual days it takes for the registrant to become compliant? Is this reported by the registrar? How many domain names are terminated vs suspended?

8. "However if the complaint is about identity (e.g., the registrant is not who they say they are), Contractual Compliance may ask the registrar to provide further information concerning their findings and the results of their investigation specific to the facts of the complaint". (Blog post "ICANN Organization Enforcement of Registration Data Accuracy Obligations Before and After GDPR")
   When a registrar provides further information concerning their findings does ICANN compliance track this information and look for trends of abuse?

9. Not all inaccuracy complaints are sent to ICANN compliance many registrars suggest reporting inaccuracy complaints directly to the registrar. Are there any stats on domain names suspended as a result of inaccuracy complaints that were made directly to the registrar that are requested in an audit of the registrar by ICANN compliance?

Verification and Validation

10. How does ICANN define and differentiate between existing verification and validation requirements?

Validation

11. What criteria does ICANN Compliance use to evaluate compliance with validation requirements?

12. What are the validation requirements for *each* of the data elements required to be collected by the registrar? If possible, use the four level scale of V0, V1, V2, V3.
    - V0 = No validation required.
    - V1 = Syntactic validation
    - V2 = Operational validation
    - V3 = Identity validation
13. Are registries and/or registrars permitted to perform or impose a higher level of validation?
14. Are registrars required to provide the validation level along with the data element in their responses to ICANN Compliance or third party requestors, either as part of the response or in their documentation?

Verification

15. "Whois-related complaints that are processed by ICANN as a "data format" issues (as opposed to "data accuracy" issues) do not invoke an obligation for the registrar to validate or verify Whois information. Examples of "data format" issues include a missing country code for a telephone number (as long as the number otherwise contains the proper number of digits for that country) or an email address that is written with "(at)" instead of "@." In such cases, the registrar is required to correct the data formatting issue but is not required to contact the Registered Name Holder to verify the formatting correction" (see [Advisory: Clarifications to the 2013 Registrar Accreditation Agreement (RAA) Whois Accuracy Specification](#)) and "For those that remain open, Contractual Compliance initiates an investigation into the registrar's compliance with the contractual requirements explained above, including the obligation to take reasonable steps to investigate the claimed inaccuracy. The "reasonability" of the steps will depend on the type of inaccuracy reported. For example, a report of a nonfunctional email address may only require the registrar to perform email verification to ensure the email is functioning" (see https://www.icann.org/resources/pages/registration-data-accuracy-obligations-gdpr-2021-06-14-en)
    a. What criteria does ICANN Compliance use to evaluate compliance with verification requirements in addition to those already spelled out above?
16. When Contractual Compliance is given access to contact information that is normally redacted, is there an indication of which field(s) have been verified by the Registrar?
17. The RAA calls for the e-mail address and phone number(s) to be verified within 15 days of (1) the registration of a Registered Name sponsored by Registrar, (2) the transfer of the sponsorship of a Registered Name to Registrar, or (3) any change in the Registered Name Holder with respect to any Registered Name sponsored by Registrar, Registrar will, with respect to both Whois information and the corresponding customer account holder contact information related to such Registered Name. In case 2), if only one of the two verifiable fields has been changed, it is not clear if the Registrar must verify the new one (if the other has previously been verified).
    a. What is Contractual Compliance's interpretation of the Registrar requirement? To be specific, if the phone number has previously been verified, and the registrant changes the e-mail address, must it be verified?
18. "Within 15 days of the registration or inbound transfer of a domain name, or a change to the registrant information, a registrar must (…) and 2) verify the email address or the

telephone number of the registrant and the account holder (if different) by sending a communication and requiring an affirmative response in a manner designated by the registrar ("verification"). If the registrar does not receive an affirmative response from the registrant, it must verify the information manually or suspend the registration until it can verify it." (see https://www.icann.org/resources/pages/registration-data-accuracy-obligations-gdpr-2021-06-14-en).

    a. What process is acceptable to ICANN compliance to verify an email address manually.

    b. Is this method tracked and if so, how many registrations are verified manually?

Temporary Specification

19. Under the Temporary Specification, if a request is made to disclose all contact information, and the registrar/registry choses to accept the disclosure request, is Contractual Compliance of the view that all of the requested contact information MUST be disclosed, or may the registrar/registry release just some of the requested information (ie it may disclose the email address but not the phone number)?

Privacy / Proxy Registrations

20. Neither the Temporary Specification nor the Interim Registration Data Policy modified the RAA requirements for registrars to validate and verify registrant contact information and to investigate claims of inaccuracy.

    a. Does ICANN compliance require the underlying contact information of a Proxy/Privacy registration to be validated and verified?

    b. If so, are inaccuracy reports treated differently? Is data collected and tracked?

Current interpretation of existing accuracy requirements

21. The RrSG has described the current interpretation and application of existing accuracy requirements as follows:

"Accuracy shall be strictly defined as syntactical accuracy of the registration data elements provided by the Registered Name Holder as well as the operational accuracy of either the telephone number or the email address."

The scoping team's instructions from the GNSO Council include the following: "Particular attention should be given to the definition that ICANN Compliance employs for "accuracy" in ICANN's contracts".

    a. Does ICANN compliance agree with this description of the current interpretation and application of existing accuracy requirements provided by the RrSG, or is there a different interpretation and/or application that ICANN Compliance employs for accuracy?

Registrant vs. Registered Name Holder

22. Is ICANN Compliance or ICANN Legal aware of any instances where any Contracting Party has argued that the terms "registrant" and the "Registered Name Holder" are not equivalent. If so, can ICANN Org summarize this divergent position taken by the contracting party and ICANN Org's response and how any dispute was resolved.

Reasonable and commercially practicable / technically and commercially feasible

23. There are multiple terms in the 2013 RAA referencing "reasonable and commercially practicable"; "commercially reasonable efforts"; and "commercially practical updates". With regard to this language we have several questions:
    a. What standard does ICANN Compliance currently use in determining commercially "practicable" and "reasonable"?
    b. Has ICANN Legal provided guidance to ICANN Compliance on how to determine commercially "practicable" and "reasonable"
    c. Has this expectation been conveyed to the CPs?
    d. When was the current standard for "practicable" and "reasonable" adopted and what are the mechanisms for modifying this standard?
    e. If a standard does not exist, does ICANN Org anticipate creating one and when?
24. Section 1-e of the RAA WHOIS ACCURACY PROGRAM SPECIFICATION states "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. To what extent does ICANN understand that this is being done (that is, it is deemed by registrars to be technically and commercially feasible)?
    b. If it is not done, how is this contract clause enforced or what other processes are in place to ensure compliance?

Accuracy Reporting System (ARS)

25. When the ARS was suspended because under the Temporary Specification the ARS could no longer effectively be carried out exactly as it had before, did the ICANN make any effort to see if the ARS could continue with a modified procedure (such as requesting the contact information from registrars)?