At-Large Capacity Building Program 2018: "Protection of Global Public Interest in Contractual Compliance, Consumer Rights"

ICANN Org Update from: Public Responsibility Support & Contractual Compliance & Consumer Safeguards
20 September 2018
Agenda

- Introduction
- Public Responsibility Update
- Contractual Compliance Tools
- Consumer Safeguards
- Questions and Answers
ICANN Org Presenters

- Jamie Hedlund – SVP Contractual Compliance & Consumer Safeguards and Managing Director - Washington D.C office
- Ergys Ramaj – VP Public Responsibility Support
- Maguy Serad – VP Contractual Compliance
- Jennifer Scott – Sr. Director Contractual Compliance
- Bryan Schilling – Consumer Safeguards Director
The Public Interest:

- What is it?
- How do we know when we see it?
- How is it understood and applied elsewhere?
- Can it be operationalized?
- Does it have an end point or is it made meaningful more by practice than by a specific product?

At ICANN, the public interest can only be determined by the multistakeholder community.
Contractual Compliance
ICANN’s Mission –
The mission of the Internet Corporation for Assigned Names and Numbers ("ICANN") is to ensure the stable and secure operation of the Internet's unique identifier systems

Contractual Compliance Tools
• The Agreement and Consensus Policies
• Compliance Process & Approach
• Proactive Monitoring & Internal Referrals
• Audit Program
• Reporting
• Policy, Working Group and Review Teams
The Agreement and Consensus Policies

To ensure a stable and secure operation of the Internet's unique identifier systems

• Public interest is considered during development of consensus policies and subsequently included in enforcement through contracted party agreements.

• Registrar (RAA) and registry operators (RA):
  • Data escrow deposits
  • Web-posting obligations: abuse contact data, WHOIS education, domain name management information, registrants rights
  • Rights protection mechanisms via UDRP, URS and TMCH RPMs

• Registry operators (RA):
  • Public interest commitments (voluntary and mandatory) and safeguards

• Registrars (RAA):
  • Handling of DNS infrastructure abuse through reporting by registry operators, third parties, law enforcement
  • WHOIS accuracy requirements
Summary of the review process:
• ICANN receives and reviews complaints for completeness and scope
• Follow up with reporter as needed
• Send inquiry or notice to contracted party based on non-compliance issue and data provided
• Contracted party takes appropriate action where applicable and responds to ICANN

Proactive monitoring is ICANN’s effort to take initiative in identifying potential issues instead of waiting for issues to happen.

- Proactive monitoring is conducted by way of:
  - Automated tools that result in notifications to compliance
  - Review of media and blogs
  - Review of previously resolved issues
  - Review of registry abuse contact data on their websites
  - Review of registrar abuse contact data on their websites and WHOIS data
  - Sending emails to and calling registrar abuse contacts to verify

- Frequency of proactive monitoring varies: real-time, daily and random efforts

- ICANN internal referrals to Compliance of compliance-related matters are generated from multiple departments, for example:
  - Technical Services as a result of Service Level and other monitoring
  - SSR Team on DNS abuse
Audit Program

Another proactive monitoring effort is the Audit Program - ICANN’s effort to take initiative in reviewing contracted parties’ compliance with the agreement and consensus policies and proactively addressing any potential deficiencies.

- ICANN typically conducts two audits a year for Registrars and Registry Operators
- Audit Criteria can be any of the following –
  - Contracted parties who have not been previously audited
  - Contracted parties with largest volume of 3rd Notices per number of domains under management
  - Contracted parties who received Notice of Breach in last 12 months
  - Contracted parties with largest volume of failed data escrow deposits
  - Contracted parties responsiveness to ICANN’s requests
  - ICANN community concerns
- Dedicated Audit Page on ICANN.org
- On going efforts to continuously improve the audit program
Enhancing Transparency in Reporting

Enhanced Monthly Reporting, New Quarterly and Annual Reporting

- Additional metrics on complaints related to Governmental Advisory Committee (GAC) Category 1 Safeguards: Children, Environmental, Health and Fitness, Financial, Charity, Education, Intellectual Property, Professional Services, Corporate Identifiers, Generic Geographic Terms, Health and Fitness, Gambling, Charity, Education, Professional Services, Corporate Identifiers, Bullying/Harassment and Governmental Functions

- Additional metrics on complaints related WHOIS inaccuracy, Abuse, Public Interest Commitment and Transfer Complaint Type

- Monthly dashboards and Learn More on additional metrics published at https://features.icann.org/compliance/dashboard/report-list

- Reports are published at https://features.icann.org/compliance/dashboard/report-list
Policy, Working Group & Review Teams Efforts

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

- Translation and Transliteration of Contact Information
- Privacy and Proxy Services Accreditation Issues
- WHOIS Review Team
- Internationalized Domain Name guidelines
- Competition, Trust and Choice Review
- Rights Protection Mechanism Review
- New gTLD Subsequent Procedures
- Thick WHOIS & Registration Data Access Protocol (RDAP)
- Security, Stability and Resiliency Review Team
Facilitating community discussions about and concerning DNS abuse.

- 25 September 2017 and 14 December 2017 Webinars
  - [https://www.icann.org/news/blog/following-up-on-a-contractual-compliance-consumer-safeguards-conversation](https://www.icann.org/news/blog/following-up-on-a-contractual-compliance-consumer-safeguards-conversation)

- What should ICANN’s role be in addressing DNS abuse?
- Are there gaps between DNS Abuse and the tools within ICANN’s remit to address that abuse?
- Phishing, Malware, Botnets (C & C)... other types of abuse within the DNS?
- How should ICANN collaborate with other stakeholders addressing abuse?
- Is there a threat of governmental regulation?

Collaboration with OCTO.
- Are the voluntary mechanisms to address DNS abuse?
Questions & Answers

Send compliance questions
To: compliance@icann.org

Subject line: At-Large Capacity Building Webinar

ICANN Contractual Compliance Landing Page -
https://www.icann.org/resources/pages/compliance-2012-02-25-en