Common Recurring Challenges for APAC registrars –
Recent Lessons Learnt
Introduction by Low Jia-Rong
GSE Senior Director, Asia
APAC registrars – Recent Lessons Learnt

Agenda:

• Uniform Dispute Resolution Policy (UDRP) Implementation - Sumi
• Abuse Complaint Requirements and Processing – Howard & Roger
• Quick Tips from GDD and Compliance
• Q&A
General UDRP Issues

Uniform Domain Name Dispute Resolution Policy

- Verify with providers and prevent improper transfer
  - Registrars not responding to verification requests from providers
  - Registrars transferring names during proceedings or instead of implementing Decision

- Complexity of matters involving “mutual jurisdiction”

- Complainants not providing information to registrars to update Whois

- If domain name expires or is deleted during the course of a UDRP dispute, Complainant has the right to renew or restore under same commercial terms as RNH

Note: UDRP Rule revisions took effect 31 July 2015
Implementation of revisions to UDRP Rules was 31 July 2015

- **“Lock” defined**: measures to prevent modification to the registrant and registrar information by UDRP Respondent

- **Verification Requirement**: Within two (2) business days of request for verification from UDRP Provider:
  - Registrar must lock domain(s) at issue, confirm lock was applied and provide information requested in verification request to Provider
  - Lock must remain during UDRP pendency and be removed within one (1) business day of Registrar being notified that proceeding has been withdrawn or dismissed

- **Pendency of proceeding**: from time complaint is submitted to Provider to time Decision has been implemented or complaint terminated
Update to UDRP Rules

- **Registrar Notice Requirement**: Within three (3) business days of receiving Provider’s Decision, registrar must communicate implementation date to Parties, Provider and ICANN

- **Settlement/Dismissal of Pending UDRP Case**: For cases settled between parties during the course of the UDRP matter
  - Provider to inform Registrar of suspension and outcome of the settlement
  - Registrar shall remove the lock within two (2) business days of being notified by the Provider

Abuse Complaint Handling

Presentation by Howard Li, Registrar Services Senior Manager
Abuse Complaint Handling

• Registrar to publish complaint handling / tracking procedures (RAA 3.18.3)
• Registrar to document all complaints
• Documentation retained 2 years (or maximum period permitted by applicable law, whichever is shorter)
• Records available to ICANN upon request
Abuse Complaint Handling, cont’d

Two possible complaint paths:
Standard (Public) & Law Enforcement

Standard Abuse Complaints (RAA 3.18.1)
• Published email address
• Registrar must take reasonable & prompt steps to investigate and respond appropriately
LEA Complaints

Law Enforcement Agency Complaints (3.18.2)

• Dedicated email address & telephone number
• Monitored 24x7
• Illegal Activity complaints
• From law enforcement, consumer protection, quasi-governmental or other similar authorities
  — As designated by the government of the jurisdiction in which the Registrar is established or maintains a physical office
LEA Complaints, cont’d

• Well-founded complaints (illegal activity) reviewed w/in 24 hours
• By individual empowered to take necessary & appropriate responsive action
• Registrar never obligated to commit illegal acts to resolve complaints
Abuse Requirements and Processing

Presentation by Roger Lim, Senior Manager, Contractual Compliance
Abuse Reports Requirements

Section 3.18 of the 2013 Registrar Accreditation Agreement (RAA)

- Most common abuse reports are about online pharmaceuticals, malware, viruses and spam

- Examples of out of scope reports:
  - Registrars on 2009 RAA
  - Reporter did not contact the registrar before complaining to ICANN
  - ICANN continues to conduct outreach with registrars, abuse reporters and IP rights protection groups
Abuse Reports Requirements

Section 3.18 of 2013 RAA

- 3.18.1: anyone worldwide can file valid abuse reports
- 3.18.2: law enforcement, consumer protection, quasi-govt. - no jurisdictional limitation once entity is designated by registrar’s local government
- Registrar must investigate reports
  - Court order NOT required to investigate
  - Investigative process can vary depending on report
- Home page must link to abuse process and email address
Registrars must:
  - Take reasonable and prompt steps to investigate and
  - Respond appropriately to ANY reports of abuse

Reasonable steps may include:
  - Contacting the RNH of the domain(s)
  - Appropriately varies depending on the facts and circumstances
  - Whois data verification by itself is insufficient
  - Court order is not required for registrar to investigate absent a specific local law or regulation provided to ICANN

Registrar must have dedicated abuse email and phone number in Whois output

Reports of Illegal Activity must be reviewed within 24 hours by an individual who is empowered to take necessary and appropriate actions

Reports can be from any applicable jurisdiction once reporter is designated by registrar’s local government as an authority
ICANN confirms that reporter sent abuse report to registrar abuse contact before sending complaint to registrar.

ICANN could request the:

- Steps taken to investigate and respond to abuse report
- Time taken to respond to abuse report
- Correspondence with complainant and registrant
- Link to website’s abuse contact email and handling procedure
- Location of dedicated abuse email and telephone for law-enforcement reports
- Whois abuse contacts, email and phone

Examples of steps registrars took to investigate and respond to abuse reports:

- Contacting registrant
- Asking for and obtaining evidence or licenses
- Providing hosting provider info to complainant
- Performing Whois verification
- Performing transfer upon request of registrant
- Suspending domain
Abuse Reports – Resolve Codes

- Abuse contact info published on registrar website
- Added required abuse information in Whois output
- Abuse report handling procedures published on registrar website
- Registrar suspended or canceled domain
- Registrar demonstrated that it maintained abuse records
- Registrar responded to abuse report (non-LEA), including:
  - Communicating report to registrant
  - Registrant provides copy of government license
  - Reporter removed from email distribution list (spam complaint)
  - Website content in complaint removed
- Registrar responded to LEA illegal activity reports
- Registrar documented valid non-action, including
  - Registrar previously responded to complaint
  - Invalid abuse complaint
- Registrar now monitoring abuse email address/phone
- Registrar showed email/phone already published
Updating Registrar Contact Information (RADAR)
Updating Registrar Information (RADAR)

• Access the website at:
  https://radar.icann.org/

• RADAR users must now verify their email addresses to log in. RADAR will set a 90-day cookie in the browser, which means if you change computers or delete the cookie, you will need to go through the verification process again.
Updating Registrar Information (RADAR)

- All contacts except “Primary Contact”, can be updated through RADAR by registrar.

- To update “Primary Contact”, please complete and sign the form at https://www.icann.org/resources/files/primary-contact-update-form-2012-02-25-en, and email a copy to accredit@icann.org.

- Please keep all contact information current, so that ICANN can reach you in time.

- If you have more than one person responsible for a certain area (e.g. Whois, Transfers), you may list a secondary contact.
Update Registry Contacts Information
Update Registry Contacts Information (GDD Portal)

- Ensure the contacts information are kept up-to-date.

- To update contacts information after a TLD is delegated, the Registry Operator will create a case in GDD Portal to submit the request.

- ICANN Customer Service will update the contacts information for the Registry Operator.
Communicating with ICANN
Contractual Compliance
Tips for communicating with ICANN Contractual Compliance

- Whitelist emails from icann.org
- Check that your mail servers are not blocking emails from ICANN
- Reply to compliance notices ASAP and state what you are doing
  - But no later than notice deadline
  - Early response allows for follow up and collaboration if insufficient
- Do not change the subject line in any way when responding to compliance notices
- Make sure response + attachments are less than 4 MB in total size
- For information on ICANN Contractual Compliance Performance Reports
  https://features.icann.org/compliance
- For Frequently Asked Questions: https://www.icann.org/compliance/complaint
IP Ranges to Whitelist

- 192.0.32.0/22
- 208.77.188.0/22
- 192.0.44.0/22
- 213.14.112.162
- 111.223.127.96
- 212.3.234.146
- 217.111.254.74
Thank you!