

NCPH Meeting, 14 February 2017

Question 1 (Stephanie Perrin): How does Compliance decide which areas they check on? I'm particularly interested in the rather sparse end-user protection that is presented in 2013 RAA. Have you ever done an audit and where the registrars are complying with the obligations of disclosure to the customer, have you ever audited where there (Unintelligible) gathering going on unpaid by third-party service providers.

ICANN Response: ICANN Contractual Compliance's authority is circumscribed by the agreements with registries and registrars, and limited to the parties that have signed the Registrar Accreditation Agreement and Registry Agreement and which include reference to ICANN's Consensus Policies. Therefore, regardless of the source of a complaint (which can be external or internal), the complaint will be reviewed in light of these agreements and must be in scope to be considered valid.

There are multiple registrant-related disclosures required by these agreements and policies that have been the subject of both compliance audits and complaints. For example, registrars must provide information related to the Registrant Benefits & Responsibilities policy, as well as disclosures related to information about domain expiration, renewal and redemption.

Providers offering services on behalf of contracted parties, such as Data Escrow Agents and Registrar-Resellers, are only within scope of the agreements through the contracted party requirements.

Question 2 (Stephanie Perrin): It will be good to get some clarification of what you consider within your (unintelligible) in terms of consumer protection.

ICANN Response: See above and see statements in Jamie's blog related to Consumer safeguards at <https://www.icann.org/news/blog/six-weeks-in-contractual-compliance-and-consumer-safeguards>

Question 3 (Stephanie Perrin): Are there consumer protection agencies engaged in ICANN. If so, where are they?

ICANN Response: There are constituency groups engaged with the ICANN Community that have members representing consumer protection agencies, including the Governmental Advisory Committee and its Public Safety Working Group.

Question 4 (Marc Trachtenberg): Is ICANN at all looking -or is compliance looking at all whether registries are following through with the commitments they had in their applications because it seems that there's no monitoring of this at all whatsoever. There's no coordinated effort by Compliance.

ICANN Response: Registry operators' application commitments that are incorporated directly or by reference into the registry agreements are enforceable, e.g., subject to audits and complaint review. See, for example Specification 7, 11 and 12. Link to new Registry Agreement audit plan <https://www.icann.org/en/system/files/files/audit-plan-new-registry-agreement-01feb17-en.pdf> for your reference too.

Question 5 (Phil Corwin): if one were to feel that a URS provider was acting in a way that was non-compliant with that MOU, would a person concerned by that bring that concern to you as head of compliance or would we be directed somewhere else to the office of general counsel or someone like that. Who's got the responsibility in ICANN for overseeing that MOU with the URS providers?

ICANN Response: Such a complaint could be submitted to John Jeffrey or me. We will make sure it is properly addressed.