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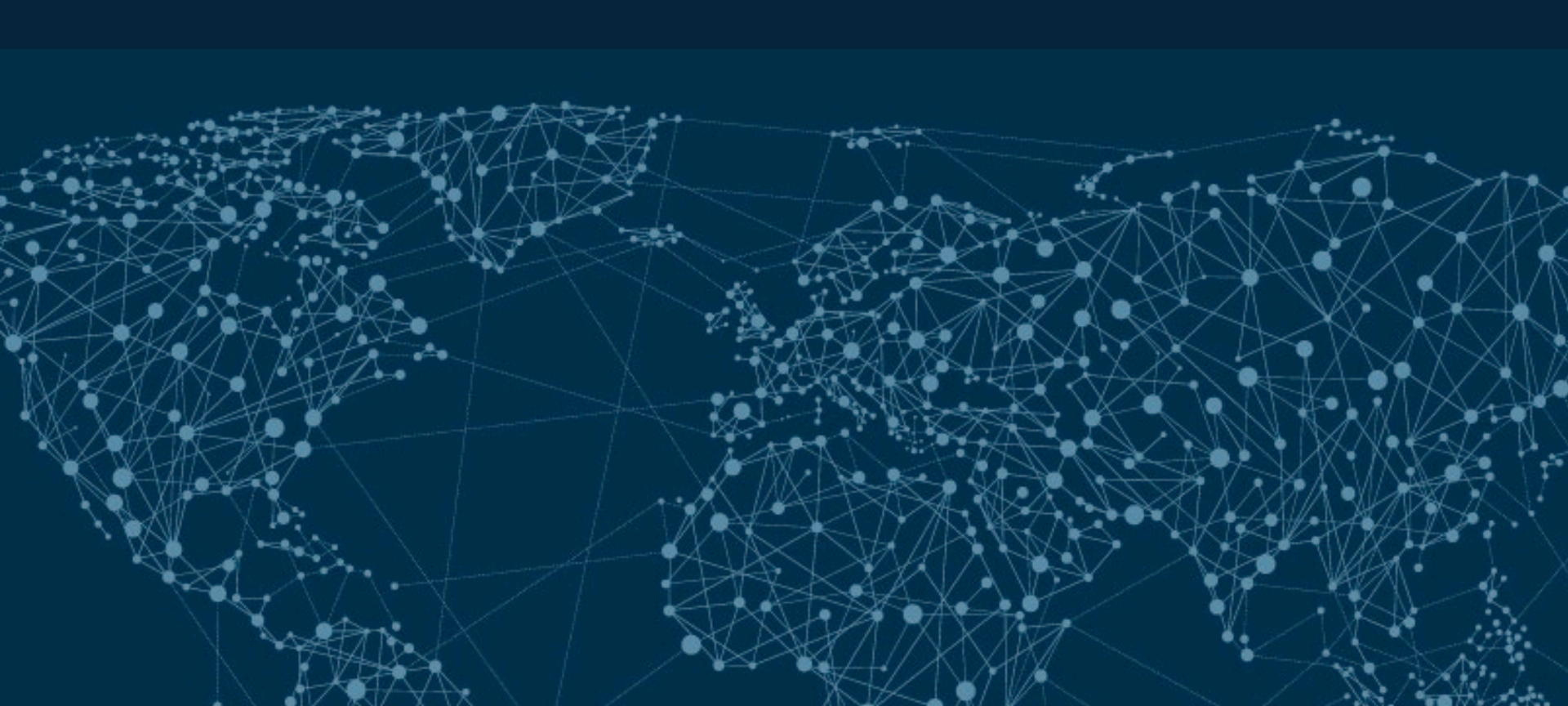
COMMUNITY FORUM

58

COPENHAGEN

11-16 March 2017





At-Large Meeting

Contractual Compliance & Safeguards | ICANN 58 | 12 March 2017

Agenda

Request from At -Large to discuss in more details

- Contractual Compliance & Consumer Safeguards
- “Perception of Contractual Compliance”

Dialogue about

- Contractual Compliance & Consumer Safeguards

Perceptions ...from blogs, tweets, etc.

- Most common abuse reports are about online pharmaceuticals, malware, viruses, spam and IP Infringement
- *Reporters would like registrars to suspend domains upon receipt of abuse complaints.*
- *Reporters would like ICANN to make registrars suspend abusive domains upon receipt of abuse complaints*
- *Reporters would like ICANN to terminate registrar or registry operator upon receipt of non-compliance with their agreement*
- *ICANN manages and controls webhosts where the content is hosted*
- *ICANN helps criminals*

Contractual Compliance Proactive monitoring

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:

- ICANN automated tools that result in notifications to compliance
- Review of media and blogs
- Review of previously resolved issues (Whois Inaccuracy Quality Review)
- 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 varies: real-time, daily and random efforts

Audits of contracted parties also proactively identify and address non-compliance matters.

Questions & Answers



Send compliance questions

To: compliance@icann.org

Subject line: ICANN 58 At-Large Session

The ICANN 58 presentations are available at:

- The ICANN Contractual Compliance Outreach page at this link <https://www.icann.org/resources/compliance/outreach>
- The ICANN 58 Schedule page

Appendix

Obligations under the 2013 Registrar Accreditation Agreement

Under the 2013 Registrar Accreditation Agreement, Registrar is required

- To investigate but it may not always result in suspension of the domain
- Registrar is not required to suspend domains upon receipt of abuse complaints
- ICANN has no contractual authority over webhosts
- Examples of out of scope reports:
 - Registrars on 2009 RAA
 - Reporter did not contact registrar before complaining to ICANN

Another source of information – the Registrants Benefits and Responsibilities at <https://www.icann.org/resources/pages/benefits-2013-09-16-en>

Obligations Under the New Registry Agreement -

Registry Operator is required

- To take reasonable steps to investigate and respond to any reports of illegal conduct in a TLD from law enforcement and governmental and quasi-governmental agencies (Section 2.8).
- To publish on its website its accurate contact details and a primary contact for handling inquiries related to malicious conduct in the TLD (Specification 6, Section 4.1).
- To periodically conduct technical analysis to assess whether domains in the TLD are being used to perpetrate security threats and will maintain statistical reports on the number of security threats identified and the actions taken as a result of the security checks. (Specification 11, Section 3b)
- To include a provision in its Registry-Registrar Agreement that requires registrars to include in their registration agreements a provision prohibiting registered name holders from engaging in activity contrary to law (among other things) and provide consequences for such activities (Specification 11, Section 3a).

2013 RAA: Abuse Reports Requirements

Section 3.18.1

- 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 facts and circumstances
- Court order is not required for registrar to investigate absent a specific local law or regulation provided to ICANN

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Section 3.18.2

- 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

2013 RAA: Abuse Reports Complaint Processing

- ⊙ ICANN confirms reporter sent abuse report to registrar abuse contact before sending complaint to registrar
- ⊙ ICANN could request:
 - ⊙ 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

List of Resolve Codes for Abuse Reports

- 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 Complaint Types in Detail

Registrar Complaints	Quantity		Closed before 1st inquiry / notice		ICANN Issue	
	ICANN 57	ICANN 58	ICANN 57	ICANN 58	ICANN 57	ICANN 58
WHOIS INACCURACY	19,686	12,754	9,232	7,146	2	7
QUALITY REVIEW	5	4	0	1	0	0
Bulk Submission	2,744	335	225	3	0	0
individual submission	13,932	6,862	7,542	3,781	1	3
WHOIS ARS	3,005	5,553	1,465	3,361	1	4
TRANSFER	3,825	1,494	2,813	1,155	0	1
WHOIS FORMAT	735	339	537	174	0	0
DOMAIN RENEWAL	603	287	390	213	0	0
WHOIS UNAVAILABLE	399	163	258	92	1	0
ABUSE	377	195	280	113	0	0
DOMAIN DELETION	370	262	380	247	0	0
DATA ESCROW	310	170	41	30	9	51
CEO CERTIFICATION	230	57	0	0	0	0
CUSTOMER SERVICE	173	76	142	71	0	0
UDRP	153	80	68	36	0	0
WHOIS SLA	126	143	103	137	0	0
REGISTRAR INFO SPEC	91	41	78	33	0	0
REGISTRAR CONTACT	78	30	62	29	0	0
PRIVACY/PROXY	44	28	32	22	0	0
REGISTRAR OTHER	36	15	19	2	0	0
FAILURE TO NOTIFY	28	8	25	8	0	0
DNSSEC, IDN, IPV6	17	7	13	5	0	0
RESELLER AGREEMENT	1	3	0	0	0	0
FEES	1	5	0	0	0	0
Total	27,283	16,157	14,473	9,513	12	59

Registry Complaint Types in Detail

Registry Complaints	Quantity		Closed before 1st inquiry / notice		ICANN Issue	
	ICANN 57	ICANN 58	ICANN 57	ICANN 58	ICANN 57	ICANN 58
ZONE FILE ACCESS	732	197	176	64	2	0
CODE OF CONDUCT	315	32	9	2	2	0
MONTHLY REPORT	140	30	1	0	1	0
REGISTRY OTHER	86	54	66	46	2	0
REGISTRY DATA ESCROW	81	66	0	0	0	0
SLA	40	20	23	19	1	0
ABUSE CONTACT DATA	40	31	40	30	0	0
RESERVED NAMES/CONTROLLED INTERRUPTION	40	18	21	11	1	0
SLA ALERTS	31	48	1	0	0	2
RR-DRP	27	6	27	6	0	0
REGISTRY FEES	14	4	0	0	0	0
BRDA	13	37	0	0	0	4
PIC	9	4	6	3	0	0
URS	7	2	6	0	0	0
BULK ZFA	2	4	0	0	0	0
CLAIMS SERVICES	1	3	1	3	0	0
WILDCARD PROHIBITION	1	0	0	0	0	0
SUNRISE	0	2	0	2	0	0
MISCONDUCT	0	0	0	0	0	0
BANKRUPTCY	0	0	0	0	0	0
Total	1,579	558	377	186	9	6