1. *Please provide a step by step work flow for inaccuracy reports and templates/guidance for responding to the reports.*

Registrars are contractually required by the 2013 Registrar Accreditation Agreement (RAA) to confirm and conduct verification and validation of the accuracy of WHOIS information.

ICANN Contractual Compliance receives complaints via web forms, email to compliance@icann.org, the bulk WHOIS inaccuracy submission tool and through proactive monitoring or internal referrals.

When ICANN receives complaints or otherwise has information that suggests these requirements are not being fulfilled by a registrar, ICANN Contractual Compliance will review the registrar's compliance through a WHOIS Inaccuracy complaint. ICANN makes its compliance determination by conducting the following steps during its reviews:

1. *Review the complaint to determine whether it is in scope of the requirements.*
2. *Review what WHOIS information the reporter claims to be inaccurate. Follow up with reporter if unclear on the inaccuracy reported and request additional information. Such information may include a request for evidence of the alleged inaccuracy (e.g., an email rejection notice or returned postal mail) or further explanation regarding why the data is invalid (e.g., explanation to support an allegation that the contact information does not belong to the listed contact in the WHOIS). Reporters are requested to respond within 5 business days. The complaint is closed absent receipt of adequate information for processing.*
3. *Confirm the WHOIS information is available from the registrar by querying the domain name(s).*
4. *Confirm the WHOIS format per Section 1.4.2 of the Registration Data Directory Service (Whois) Specification also known as RDDS.*
5. *Confirm that all required WHOIS fields have values present.*
6. *Confirm that the WHOIS information has no glaring inaccuracies on its face.*
7. *Review the reporter's complaint history in the compliance ticketing system to avoid processing of duplicative complaints and obtain additional information from other complaints, as applicable.*
8. *Once above checks are complete, ICANN will commence the informal resolution process by sending a 1st notice to the sponsoring registrar.*
    o *WHOIS Inaccuracy complaints allow the registrar a 15-5-5 business day timeline to respond during the Informal Resolution period for the 1st, 2nd and 3rd notices, respectively.*
9. *To demonstrate compliance, a 2013 RAA registrar must:*
    o *Contact the Registered Name Holder (RNH)*

- o *Verify the RNH email address with an affirmative response*
- o *Provide the results of the registrar's investigation*
- o *Validate the format of the WHOIS information*
- o *Suspend domain within 15 days if unable to verify*

10. *When the registrar demonstrates compliance:*
- o *ICANN assigns a resolution code to the complaint detailing the outcome of the review*
- o *ICANN sends a closure communication to the registrar and the reporter*
  - i. *To confirm the complaint's resolution*
  - ii. *To seek feedback regarding the processing of the complaint via a brief survey*

11. *If the registrar does not demonstrate compliance by the 3rd notice:*
- o *ICANN performs a compliance check to identify other areas of non-compliance*
- o *Internal ICANN notification is sent to ensure alignment*
- o *ICANN issues a Notice of Breach*
- o *ICANN publishes the Notice on ICANN.org*

The 2013 RAA provides a graduated approach for registrars to come into compliance. ICANN issues a Notice of Breach, then possibly a Notice of Suspension, and if still unresolved, a Notice of Termination which leads to de-accreditation.

- o *A Notice of Breach provides a 21 calendar day cure deadline for registrars under the 2013 RAA.*
- o *Suspensions of a registrar's accreditation may vary depending on the severity of the noncompliance and level of collaboration of the registrar. The period of suspension is typically 90 days.*
- o *Termination effective dates may occur as soon as 15 days from written notice, but typically occur within 30 days of a notice to allow for the procurement of a gaining registrar for the bulk transfer of the terminated registrar's domain names.*

The templates and guidance used by ICANN Contractual Compliance to correspond with registrars and/or reporters are for internal use and training purposes. The template communications, capturing the relevant WHOIS-related contractual obligations and most commonly used requests, are modified by the team as needed to request additional information from the reporter and to facilitate the registrar's demonstration of compliance with the WHOIS obligations, including Section 3.7.8 of the RAA and the WHOIS Accuracy Program Specification.

Additional information regarding the Contractual Compliance approach and process is available here.

2. **Inaccuracy reports that are closed with no action please provide access to those reports so that the RT can review reports in which no action can be taken.**

In an effort to enhance transparency to the complaints resolution process, ICANN is now publishing a new quarterly report – please see the first published report for 2017 Q4

Registrar Closed Complaints by Closure Code. This new report presents the number of closed complaints for registrars by closure code. When a complaint is closed, a description is selected which best describes the resolution of the complaint. The closed complaints fall into one of four categories: resolved, out of scope, ICANN issue and other. Please see the report for the definition and details of these categories.

3. **Compliance team indicated they used the following sources to validate format of data when working on inaccuracy reports. Please provide more detail on how these fit in the work flow:**
    a. **UPU website**
    b. **ITU website for digits in phone number**
    c. **Chinese data for address**

The UPU and ITU format validation resources are incorporated into the WHOIS Accuracy Program Specification (WAPS) to the RAA. In addition to ensuring registrars are complying with the WAPS requirements for validation, ICANN uses these resources to substantiate complaints regarding WHOIS inaccuracies related to telephone numbers and postal addresses. For example, if it is reported that a telephone number listed in the WHOIS does not contain sufficient digits or contains an invalid country code, ICANN may refer to the ITU website to confirm the reporter's allegation. Similarly, if it is reported that the postal code is invalid for the country or territory of a postal address appearing in the WHOIS, ICANN may refer to the UPU website for acceptable postal code formats for that country/territory. Localized resources such as China Post or USPS websites are used to confirm reports of inaccuracy as secondary resources only, when substantiating complaints.

4. **Who provides guidance on interpretation of RAA?**

ICANN Contractual Compliance may seek guidance from within ICANN org when faced with a contract interpretation challenge; the team may consult with the contracting team and/or the Technical Services team in the Global Domains Division.

5. **Are there standardized template for team to rely on in interpreting RAA? If so please provide copies of the templates.**

ICANN Contractual Compliance does not have such templates; however, an overview of registrar obligations is provided as a guide on ICANN.org.

6. **WHOIS ARS report indicate that 40% of legacy gTLDs only must comply with the 2009 RAA on WHOIS data. Has this created any issues when inaccuracy reports are filed on these data fields are incomplete? How many reports have you received that fall into this category?**
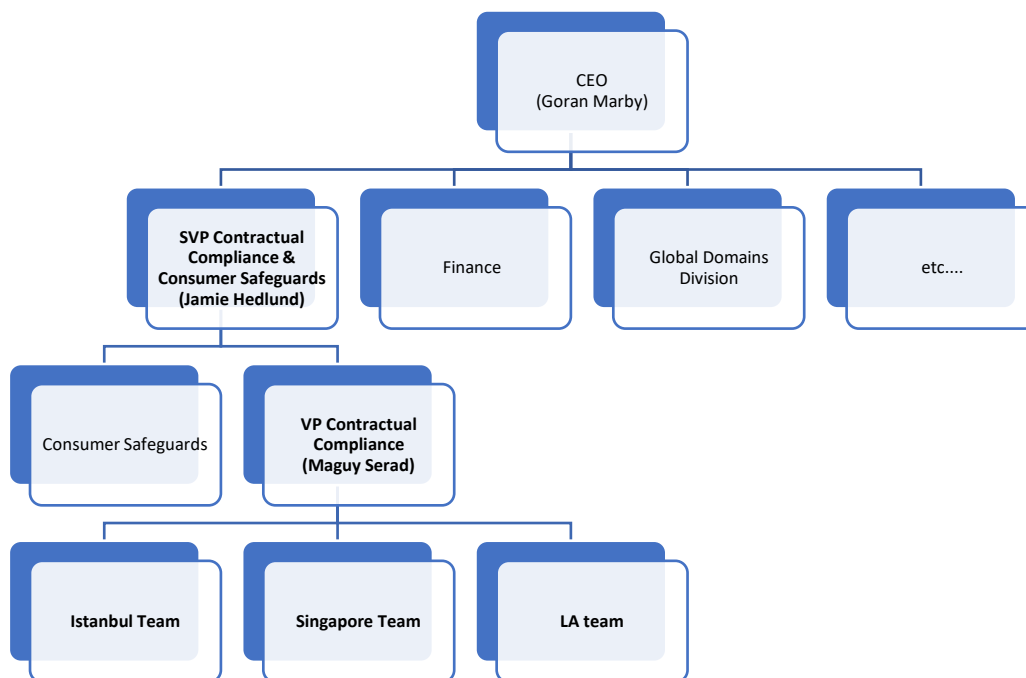
Please refer to the enhanced compliance metrics and dashboards for the monthly, quarterly or annual reports on ICANN.org to learn more about the criteria and breakdown of complaints by new and legacy gTLDs.

7. **Review Compliance User Collaboration Tool – Please provide access to this tool so that the RT can review**

ICANN Contractual Compliance uses several internal collaboration tools for efficiency and effectiveness and for reporting. The tools consist of shared drives, the [Portfolio Management System](#) for project reporting and tracking, the compliance ticketing system and different means of internal communications.

What does the review team want to review? And how is that related to the data accuracy effort.

8. **Please provide Org chart indicating where the Compliance team reports. Is there dotted line reporting?**

```
                          CEO
                     (Goran Marby)
    ┌──────────────┬──────────┬────────────┬──────────┐
  SVP Contractual   Finance   Global Domains   etc....
  Compliance &                  Division
  Consumer Safeguards
  (Jamie Hedlund)
    ┌──────────────┐
  Consumer      VP Contractual
  Safeguards    Compliance
                (Maguy Serad)
         ┌──────────┬──────────┐
    Istanbul Team  Singapore Team  LA team
```

The Contractual Compliance team reports directly to Jamie Hedlund, SVP Contractual Compliance & Consumer Safeguards.

9. **What transparency for the compliance team has been requested by GAC and ALAC?**

ICANN Community, inclusive of GAC and ALAC have requested enhanced transparency into reporting and the compliance process. In addition, on several occasions, GAC and ALAC invited ICANN Contractual Compliance to their sessions during the ICANN international meetings to discuss and present on different topics. Please refer to the Contractual Compliance [Outreach](#) page to learn more.

10. **Port 43 – What defines compliance?**
   a. **Percentage of registrars in complete compliance?**

b. **Historically has there been issues with registrars and compliance with the policy?**
c. **Have you issued any notices of breach due to non-compliance with Port 43?**
d. **Any registrars not providing Port 43 besides GoDaddy?**

All registrars (including those under the 2009 and 2013 RAA versions) are required to comply with Section 3.3.1 of the RAA, which require registrars to provide a port 43 WHOIS service providing free public query-based access to up-to-date (i.e., updated at least daily) data concerning all active Registered Names sponsored by the registrar, with respect to any gTLD operating a "thin" registry.

If it is determined through an outside complaint or ICANN's own monitoring that a registrar is not in compliance with these requirements, ICANN will initiate the informal resolution process with the sponsoring registrar. ICANN will work with the registrar to help them understand their contractual obligations and overcome any issues with compliance through the informal resolution process. Failure to adequately respond and/or come into compliance may lead to the formal resolution process (the Enforcement Process), including breach and/or termination.

Reporting of complaints related to Section 3.3.1 of the RAA is available here, under the "WHOIS Unavailable" complaint type. This complaint type also includes complaints regarding a registrar's failure to provide web-based WHOIS services or WHOIS data for a single domain name. Compliance with Section 3.3.1 of the RAA is also tested in the registrar audit program. The majority of registrars have been subject to audit and those which have not are eligible for audit in a future audit round.

ICANN Contractual Compliance audit reports are published by year here. Additionally, enforcement notices, including breach, suspension and termination notices, are available here. ICANN also publishes various reports, including a 13-month rolling report on enforcement activity by status and topic, available here, and an annual report for Enforcement Reasons for Registrars and Registries (available for 2016 and 2017). These reports contain information related to suspension and termination of registrars for failure to provide WHOIS Services under 3.3.1 of the RAA. Detailed information may be found in the notices of suspension/termination.

As the informal resolution process is confidential, information regarding a specific registrar's compliance with Section 3.3.1, which has not been subject to a formal enforcement notice, is not published or available.

1. **Registry Registration Data Directory Services Consistent Labelling and Display Policy - What is the compliance rate for registrars that have implemented this policy?**

    Registrar Abuse Contact Email

    Registrar Abuse Contact Phone

The Registry Registration Data Directory Services Consistent Labeling and Display Policy is a policy imposed on registry operators, with the exception of .com, .jobs and .net. The policy requires registry operators to include in the registry WHOIS output the Registrar Abuse Contact Email and Registrar Abuse Contact Phone fields, among other things.

Compliance rate of registrars with this registry operator requirement is not something that ICANN has attempted to measure. Additionally, measuring the cause of a registry operator's noncompliance with the requirement may be difficult, as it is not obvious from the registry operator's WHOIS output. For example, the registry operator's noncompliance may be entirely within its control (e.g., it has obtained the registrar's abuse contact information but is not displaying it) or, in part, due to the registrar's (in)action (e.g., the registrar has not yet provided the registry operator with its abuse contact information).

2. **How many registrars opt in to displaying the "reseller" field?**

The "Reseller" field is considered an optional field for registry WHOIS under Section 2 of the Registry Registration Data Directory Services Consistent Labeling and Display Policy. Similarly, the "Reseller" field is optional for registrars to display in the registrar WHOIS (see Clarifications 1 and 51 of the Advisory: Clarifications to the Registry Agreement, and the 2013 Registrar Accreditation Agreement (RAA) regarding applicable Registration Data Directory Service (Whois) Specifications). Therefore, it is not a noncompliance where the field itself is not shown or the field is shown but its value is blank. Accordingly, ICANN has not endeavored to survey the number of registrars that choose to display the "Reseller" field.

3. **Is this information audited?**

    1. **Registry Operator MAY output additional RDDS fields, as defined in the WHOIS Advisory, without further approval by ICANN. The key and the value of each additional field MUST NOT: include browser executable code (e.g., Javascript); provide confidential information of any sort; or cause a negative impact to the security, stability, or resiliency of the Internet's DNS or other systems. Prior to deployment, Registry Operator SHALL provide the list of all additional RDDS fields to ICANN. Registry Operator SHALL provide to ICANN any changes to the list of additional RDDS fields prior to deploying such changes.**

The above referenced language is from Section 12 of the Registry Registration Data Directory Services Consistent Labeling and Display Policy. Whether a registry operator's WHOIS output includes additional fields is reviewed during the processing of third party complaints. However, ICANN is not proactively monitoring registry operators' notification of additional fields to ICANN at this time.

4. **Has there been any compliance issues with the above? Is the compliance team aware of any issues with a registrar in this way?**

Although the registry WHOIS output contains registrar-related fields, the Registry Registration Data Directory Services Consistent Labeling and Display Policy is a policy imposed on and enforced over registry operators, with the exception of .com, .jobs and .net.

Registrar compliance with registrar WHOIS output requirements, including the Registrar Accreditation Agreement, the Advisory: Clarifications to the Registry Agreement, and the 2013 Registrar Accreditation Agreement (RAA) regarding applicable Registration Data Directory Service (Whois) Specifications) and the Additional WHOIS Information Policy are monitored by ICANN during the processing of third party complaints and the Registrar Accreditation Agreement audit program. Metrics and reporting regarding the volume of WHOIS Format complaints can be found in the monthly, quarterly and annual reporting at https://features.icann.org/compliance. Similarly, audit reports, including findings of noncompliance related to WHOIS requirements, can be found by year at https://www.icann.org/resources/pages/compliance-reports-2018.

5. **Compliance Registrar audit program**

    a. **How many registrars pass the audit on first pass?**

The Registrar Accreditation Agreement audit program consists of multiple phases as published on ICANN.org. The Final Report Phase (phase #6) is the phase that determines whether the registrar passed the audit or has remediation(s) to complete. ICANN publishes an audit report at the closure of every audit program on its Reports page. On average, 75% of registrars pass the audit by the Final Report Phase; the remaining registrars continue to work on remediation and are tested again in future audit rounds based on their remediation plan.

    b. **What difficulties does compliance team run into with auditing registrars?**

The difficulties or challenges experienced during an audit can be viewed from two perspectives: ICANN org's perspective and registrars' perspective. The following are examples of challenges experienced from ICANN org's perspective:

- *Obtaining a registrar's timely or complete response*
- *Understanding the uniqueness of registrars' operational and business models*
- *The evolution of registrars' business models and record keeping make it difficult to rely on past audits*

  o *ICANN org's need to make its communications clearer for easier understanding by registrars in different regions and with different languages*

 c. **How long do you allow for remediation or collaboration?**

The audit program follows the compliance approach and methodology. For the remediation phase, the process allows the registrar a 5-5-5 business day timeline to respond for the 1st, 2nd and 3rd notices, respectively. At times, the process may be extended based on the completeness of the registrar's responses, the registrar's collaboration and impact of the issue under review to registrants or the community.

 d. **How many notices of breach have been issued as a result of an audit?**

In 2017, ICANN org issued several enforcement notices due to audit-related noncompliance; please refer to the 2017 (3 registrars) or 2016 (3 registrars) Enforcement Reasons for Registrars reports; you can also view the list of registrars who received an enforcement notice in the past 13-months here due to failure to respond to audit.