

RDS-WHOIS2 Questions to Contractual Compliance & Request for Data
RDS-WHOIS2 Review Team **subgroup** that is focusing on **Data Accuracy**
Follow-up email to maguy.serad@icann.org from Alice Jansen on **20 April 2018**

Recommendations 5-9 - Data Accuracy Subgroup – Follow-up Questions

1. Does the Compliance Team attempt to identify patterns within ARS-detected inaccuracies to enable proactive remediation of underlying causes?

ICANN Contractual Compliance attempts to identify patterns and systemic issues of noncompliance across all of the complaint types. Please note, the WHOIS Inaccuracy complaints created from the WHOIS Accuracy Reporting System (ARS) are processed in parallel with single and bulk submission of WHOIS Inaccuracy complaints.

Please refer to the questions and responses to the Compliance Subgroup on this topic.

2. If a domain registration is suspended due to a reported or detected WHOIS inaccuracy, can the domain name be un-suspended without the inaccuracy being remediated?

A registrar may un-suspend a domain name after confirming the existing WHOIS data is accurate. If a registrar suspends a domain name due to a reported or detected WHOIS inaccuracy to be compliant under the Whois Accuracy Program Specification (WAPS), the domain name should not be un-suspended without the inaccuracy being remediated under the terms of the 2013 Registrar Accreditation Agreement (RAA).

To address situations where registrars have un-suspended the domain name without correcting the WHOIS data, ICANN Contractual Compliance conduct a proactive monitoring exercise referred to as WHOIS Quality Review (WHOIS QR). The team performs a WHOIS QR of WHOIS Inaccuracy complaints that were previously closed due to suspension of the domain name and identifies situations where the registrar may have un-suspended the domain name without correcting the WHOIS data. The team then follows up with the registrar to get more information.

3. Does the WHOIS Quality Review (or any other program) audit how often un-suspension without accuracy remediation occurs? If so, for how long after suspension are those follow-up accuracy checks performed?

WHOIS Quality Reviews are conducted every six months. For the WHOIS Inaccuracy complaints closed in 2017, there were five domain names out of approximately 1,400 that were in scope of the review that should not have been un-suspended by the registrar without further action. Contractual Compliance worked with these registrars to remediate the causes of noncompliance. Metrics regarding the WHOIS Quality Review complaints are reported at <https://features.icann.org/compliance>.

4. Considering ARS compliance metrics: Why are the percentage of ticketed domains that end up being suspended or cancelled is increasing?

| | Cycle 1 | Cycle 2 | Cycle 3 | Cycle 4 |
|--|---------|---------|---------|---------|
| Sample records | 10,000 | 12,000 | 12,000 | 12,000 |
| Tickets created | 2,688 | 4,001 | 4,552 | 4,681 |
| Tickets went to 1st or further notice | 1,362 | 1,524 | 1,897 | 1,668 |
| Tickets related domains were suspended or canceled | 60.1% | 60.6% | 65% | 72.6% |
| Tickets led to changing or updating of WHOIS data by registrar | 28.2% | 25.4% | 21.5% | 14.9% |
| Registrars received a Notice of Breach | 4 | 0 | 0 | 0 |
| Registrar suspended or terminated | 1 | 0 | 0 | 0 |

Other than the metrics referenced above (and those which are reported at <https://whois.icann.org/en/whoisars-contractual-compliance-metrics>), ICANN Contractual Compliance has no additional information to suggest why domain names are being suspended or cancelled in response to WHOIS Inaccuracy complaints generated by the WHOIS ARS. The WHOIS Accuracy Program Specification to the 2013 Registrar Accreditation Agreement requires a registrar suspend or cancel a domain name in certain circumstances.

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1. Have there been any specific reports/documents on the implementation status of WHOIS ACCURACY PROGRAM SPECIFICATION in 2013 RAA?

ICANN Contractual Compliance has not generated any reports or documents regarding the status of the implementation of the WHOIS Accuracy Program Specification (WAPS). Compliance enforcement of the WAPS began for all registrars under the 2013 Registrar Accreditation Agreement (RAA) on 1 January 2014, or if the registrar entered into the 2013 RAA after that date, the effective date of the registrar's RAA.

For more information, please visit the [WHOIS-ARS page](#).

2. Besides the WHOIS Accuracy Reporting System (ARS), are there any contractual compliance tools/measures for ICANN Org to trace the implementation of "WHOIS ACCURACY PROGRAM SPECIFICATION"?

ICANN Contractual Compliance does not trace the implementation of the WAPS other than ensuring compliance with it by applicable registrars. Please see response 1 above regarding enforcement of the obligations of the WAPS. In addition, ICANN Contractual Compliance ensures compliant implementation of the WAPS by registrars through:

- WHOIS inaccuracy complaint processing. All WHOIS inaccuracy complaints processed for registrars under the obligations of the WAPS (see response 1 above) include demonstrating compliance with the terms of the WAPS. Registrars are required to remediate any deficiencies identified by ICANN, and failure to resolve issues during the informal resolution process will result in escalation to the formal resolution process (including notice of breach, suspension, and/or RAA termination). Some registrars have been issued enforcement notices for noncompliance with the WAPS. Enforcement notices are published at <https://www.icann.org/compliance/notices> and enforcement notice reasons are published for the past 13 rolling months at <https://features.icann.org/compliance/enforcement-notices> or in the annual report for the enforcement reasons; to view the 2017 report please go to <https://features.icann.org/compliance/dashboard/2017/enforcement-complaint-type>.

- Contractual Compliance Registrar Audit Program. Compliance with the obligations of the WAPS is part of the 2013 RAA Audit Plan (at <https://www.icann.org/en/system/files/files/audit-plan-2013-raa-31mar16-en.pdf>). The majority of registrars under the 2013 RAA have completed the 2013 RAA audit. Registrars that have not been previously audited are eligible for audit in future audit rounds.

- Targeted outreach. ICANN Contractual Compliance has conducted targeted outreach for registrars and regions that were identified as opportunities to improve compliance with

2013 RAA obligations, including the WAPS. Additional information regarding Compliance Outreach Activities is at <https://www.icann.org/resources/compliance/outreach>.

- Metrics and Reporting. ICANN Contractual Compliance publishes metrics and reporting for the past 13 rolling months at <https://features.icann.org/compliance/>, including all WHOIS related complaints. In addition, the Contractual Compliance Performance Measurement page (at <https://features.icann.org/compliance/dashboard/report-list>) includes monthly, quarterly and annual reports with additional granularity of data for WHOIS inaccuracy and related complaints.

3. Any updates on the commercial feasible tools/services that focus on global address validation?

ICANN's GDD has hosted multiple sessions at recent ICANN meetings regarding this topic, for which session materials, transcripts and recordings can be found on the ICANN meeting schedules.

4. What is in common behind the bulk WHOIS inaccuracy complaint (3,199 tickets in 2017), i.e. sponsored by same Registrar, from same Registrant?

Common elements of complaints submitted through the bulk WHOIS inaccuracy complaint tool vary, and can include:

- same Registered Name Holder (RNH)*
- same WHOIS contact data*
- domain names that are registered for suspected DNS abuse*
- domain names that are allegedly engaging in trademark or copyright infringement*

Where both the registrar and the RNH data is common across multiple complaints (whether submitted in bulk or individually), ICANN Contractual Compliance may bundle the complaints into one ticket for processing by the registrar.

Background Information:

ICANN Contractual Compliance provides a mechanism for bulk WHOIS inaccuracy complaint submissions, which allows a user to submit multiple complaints through a single file upload. Each user can submit up to 300 total complaints per week. The complaints are processed in the same method and queue for WHOIS inaccuracy complaints. Users of the bulk system must agree to mandatory terms of use, and their complaint quality is monitored by ICANN to ensure submission of complaints are within scope of the RAA and WHOIS requirements. There are currently approximately ten approved users for the bulk system, and within the past six months, three were active users.

5. What's the latest progress of WHOIS ARS Phase 3? Are there any means identified how to conduct identity validation?

6. The road map of WHOIS ARS, e.g. when will the ARS cover the entire gTLD population, not only the sample selection?

7. How would ICANN Org assess the achievement and impact of WHOIS ARS on reducing the WHOIS inaccuracy?

ICANN Contractual Compliance's participation in the WHOIS Accuracy Reporting System (ARS) is limited to providing guidance for RAA obligations regarding syntax and accuracy, and processing complaints generated by the WHOIS ARS. The WHOIS ARS is managed by ICANN's GDD.

8. What's the proportion of WHOIS inaccuracy complaints falling in Proxy & Privacy Service?

Although ICANN Contractual Compliance receives and processes WHOIS inaccuracy complaints regarding domain names that utilize Privacy and Proxy Services, it does not identify the proportion of complaints this represents. Absent an accreditation system for Privacy and Proxy service providers, it is difficult to automate the accurate identification of domain names subject to Privacy and Proxy services in WHOIS inaccuracy complaints.

9. Have there been any measures for ICANN Org or Registrars or Proxy & Privacy Service Providers to validate and verify the WHOIS data collected from Registrants by Proxy & Privacy Service Providers?

Yes. ICANN Contractual Compliance receives and processes WHOIS inaccuracy complaints regarding domain names using Privacy and Proxy Services, which on occasion are related to the domain name's underlying customer information. This includes inaccurate underlying customer contact information that was revealed to the complaint reporter and invalid underlying email addresses returning delivery failures when communications are sent to the Privacy or Proxy forwarding email address listed in public WHOIS.

10. Besides the PPSAI under implementation, are there any contractual requirements on Proxy & Privacy Service Providers through ICANN or Registrars?

Section 3.14 of the 2013 RAA requires registrars to comply with the Specification on Privacy and Proxy Registrations (P/P Specification). In addition, Section 3.12.4 of the 2013 RAA requires any resellers the registrar utilizes to comply with the P/P Specification.