At-Large Capacity Building Program 2018: "Protection of Global Public Interest in Contractual Compliance, Consumer Rights"

ICANN Org Update from:
Public Responsibility Support &
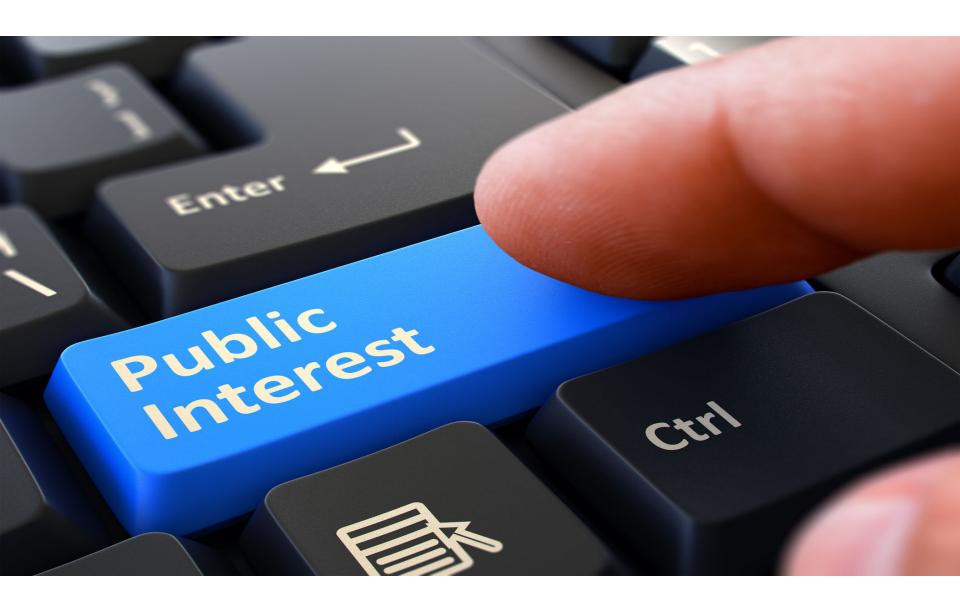Contractual Compliance & Consumer Safeguards
20 September 2018

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Agenda

- ➢ Introduction

- ➢ Public Responsibility Update

- ➢ Contractual Compliance Tools

- ➢ Consumer Safeguards

- ➢ Questions and Answers

ICANN Org Presenters

- ➢ Jamie Hedlund – SVP Contractual Compliance & Consumer Safeguards and Managing Director - Washington D.C office

- ➢ Ergys Ramaj – VP Public Responsibility Support

- ➢ Maguy Serad – VP Contractual Compliance

- ➢ Jennifer Scott – Sr. Director Contractual Compliance

- ➢ Bryan Schilling –Consumer Safeguards Director

Public Responsibility Support

The Public Interest:

☐ What is it?

☐ How do we know when we see it?

☐ How is it understood and applied elsewhere?

☐ Can it be operationalized?

☐ Does it have an end point or is it made meaningful more by practice than by a specific product?

At ICANN, the public interest can only be determined by the multistakeholder community.

"I'm afraid releasing that information would not be in the public interest."

Contractual Compliance

Contractual Compliance Tools

- **ICANN's Mission –**
  The mission of the Internet Corporation for Assigned Names and Numbers ("**ICANN**") is to ensure the stable and secure operation of the Internet's unique identifier systems

- **Contractual Compliance Tools**
  - The Agreement and Consensus Policies
  - Compliance Process & Approach
  - Proactive Monitoring & Internal Referrals
  - Audit Program
  - Reporting
  - Policy, Working Group and Review Teams

The Agreement and Consensus Policies

To ensure a stable and secure operation of the Internet's unique identifier systems

- Public interest is considered during development of consensus policies and subsequently included in enforcement through contracted party agreements.

- Registrar (RAA) and registry operators (RA):
  - Data escrow deposits
  - Web-posting obligations: abuse contact data, WHOIS education, domain name management information, registrants rights
  - Rights protection mechanisms via UDRP, URS and TMCH RPMs

- Registry operators (RA):
  - Public interest commitments (voluntary and mandatory) and safeguards

- Registrars (RAA):
  - Handling of DNS infrastructure abuse through reporting by registry operators, third parties, law enforcement
  - WHOIS accuracy requirements

Contractual Compliance Approach & Process

Informal Resolution Process

Formal Resolution Process ENFORCEMENT

Summary of the review process:

- ICANN receives and reviews complaints for completeness and scope

- Follow up with reporter as needed

- Send inquiry or notice to contracted party based on non-compliance issue and data provided

- Contracted party takes appropriate action where applicable and responds to ICANN

https://www.icann.org/en/system/files/files/overall-03oct14-en.pdf

Proactive Monitoring & Internal Referrals

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:
  - Automated tools that result in notifications to compliance
  - Review of media and blogs
  - Review of previously resolved issues
  - 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 of proactive monitoring varies: real-time, daily and random efforts

➢ ICANN internal referrals to Compliance of compliance-related matters are generated from multiple departments, for example:
  - Technical Services as a result of Service Level and other monitoring
  - SSR Team on DNS abuse

Audit Program

Another proactive monitoring effort is the Audit Program - ICANN's effort to take initiative in reviewing contracted parties' compliance with the agreement and consensus policies and proactively addressing any potential deficiencies.

➢ ICANN typically conducts two audits a year for Registrars and Registry Operators

➢ Audit Criteria can be any of the following –
  • Contracted parties who have not been previously audited
  • Contracted parties with largest volume of 3rd Notices per number of domains under management
  • Contracted parties who received Notice of Breach in last 12 months
  • Contracted parties with largest volume of failed data escrow deposits
  • Contracted parties responsiveness to ICANN's requests
  • ICANN community concerns

➢ Dedicated Audit Page on ICANN.org

➢ On going efforts to continuously improve the audit program

Enhancing Transparency in Reporting

Enhanced Monthly Reporting, New Quarterly and Annual Reporting

- Additional metrics on complaints related to Governmental Advisory Committee (GAC) Category 1 Safeguards: Children, Environmental, Health and Fitness, Financial, Charity, Education, Intellectual Property, Professional Services, Corporate Identifiers, Generic Geographic Terms, Health and Fitness, Gambling, Charity, Education, Professional Services, Corporate Identifiers, Bullying/Harassment and Governmental Functions

- Additional metrics on complaints related WHOIS inaccuracy, Abuse, Public Interest Commitment and Transfer Complaint Type

- Monthly dashboards and Learn More on additional metrics published at https://features.icann.org/compliance/dashboard/report-list

- Reports are published at https://features.icann.org/compliance/dashboard/report-list

Policy, Working Group & Review Teams Efforts

Actively contributing to Registrar & Registry related policies, Working Groups and Implementation Review Teams

- ⊙ Translation and Transliteration of Contact Information
- ⊙ Privacy and Proxy Services Accreditation Issues
- ⊙ WHOIS Review Team
- ⊙ Internationalized Domain Name guidelines
- ⊙ Competition, Trust and Choice Review
- ⊙ Rights Protection Mechanism Review
- ⊙ New gTLD Subsequent Procedures
- ⊙ Thick WHOIS & Registration Data Access Protocol (RDAP)
- ⊙ Security, Stability and Resiliency Review Team

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Consumer Safeguards Department

Facilitating community discussions about and concerning DNS abuse.

- ⊙ 25 September 2017 and 14 December 2017 Webinars
  - ⊙ https://www.icann.org/news/blog/following-up-on-a-contractual-compliance-consumer-safeguards-conversation

  - ⊙ What should ICANN's role be in addressing DNS abuse?
  - ⊙ Are there gaps between DNS Abuse and the tools within ICANN's remit to address that abuse?
  - ⊙ Phishing, Malware, Botnets (C & C)... other types of abuse within the DNS?
  - ⊙ How should ICANN collaborate with other stakeholders addressing abuse?
  - ⊙ Is there a threat of governmental regulation?

Collaboration with OCTO.
  - ⊙ Are the voluntary mechnisms to address DNS abuse?

Questions & Answers

Send compliance questions

To: compliance@icann.org

Subject line: At-Large Capacity Building Webinar

ICANN Contractual Compliance Landing Page -
https://www.icann.org/resources/pages/compliance-2012-02-25-en