ICANN

COMMUNITY FORUM | **58**

COPENHAGEN

11–16 March 2017

Agenda

Request to discuss in more details

➢ How the ICANN SSR Team and Compliance department work together

➢ What specific actions have been taken against registrars

➢ How proactive monitoring is conducted, how often, who does it touch, if there are obstacles such as resources

Background – The PSWG requested additional information to support the Compliance response to Annex 1 GAC Hyderabad Communique. (slide 13)

How the ICANN SSR Team and Compliance department work together

➢ ICANN internal referrals to Compliance of compliance-related matters are generated from multiple departments, for example:
  - Finance on past due fees
  - Technical Services as a result of Service Level and other monitoring
  - SSR Team on DNS abuse
  - PTI customer service referrals
  - Global Support referrals
  - GDD Ops Compliance Checks

➢ All referrals follow the Contractual Compliance Approach & Process (slide 14)

➢ Responses from contracted parties are reviewed by Compliance and as needed with the appropriate department

➢ SSR acts as ICANN's main interface to the Operational Security communities and as such regularly communicates abuse issues with Compliance & active coordination between the departments

What specific actions have been taken against registrars

Enforcement actions taken against Registrars in 2016:

- 25 Registrars received a Notice of Breach
    - 4 Registrars were escalated to Suspension and then Termination
    - Suspension prohibits new registrations or inbound transfers

- Examples and trends on next slides

Actions taken to promote increased compliance by Registrars:

- Increased proactive monitoring

- Targeted outreach efforts

- Escalated Notices for previously remediated or repeat noncompliance

- On going audits – please refer to slides 19 – 21 for details

ICANN Enforcement in 2016

5% of enforcement reasons in 2016 for failure to cure Whois Inaccuracy issues; other issues were resolved.

For list of Registrars/Reasons of Enforcement:
https://features.icann.org/compliance/enforcement-notices

For Enforcement Notices Page:
https://www.icann.org/compliance/notices

Formal Notice Activity – Year 2016
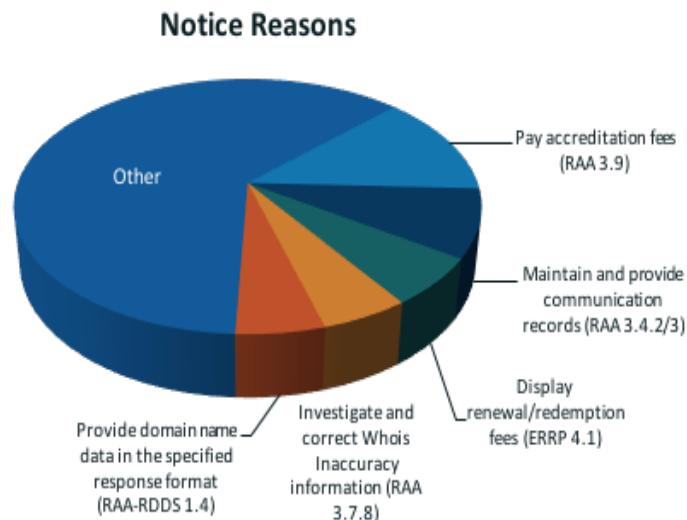
Notice Reasons

Notices	Qty
Breach	25
Contract Non-Renewal	0
Suspension	4
Termination	4

Breach Notice Reason*	Qty*
Failure Notice Reasons	119
• Cured	74
• Not Cured	45

*A singe Breach may contain multiple Notices Reasons.

Formal Notice Reasons	Percent
Pay accreditation fees (RAA 3.9)	13 %
Maintain and provide communication records (RAA 3.4.2/3)	9 %
Display renewal/redemption fees (ERRP 4.1)	6 %
Investigate and correct Whois Inaccuracy information (RAA 3.7.8)	5 %
Provide domain name data in the specified response format (RAA-RDDS 1.4)	5 %
Other	62 %

Source: 2016 Contractual Compliance Annual Report
Other Reasons – please refer to Appendix B of the report.
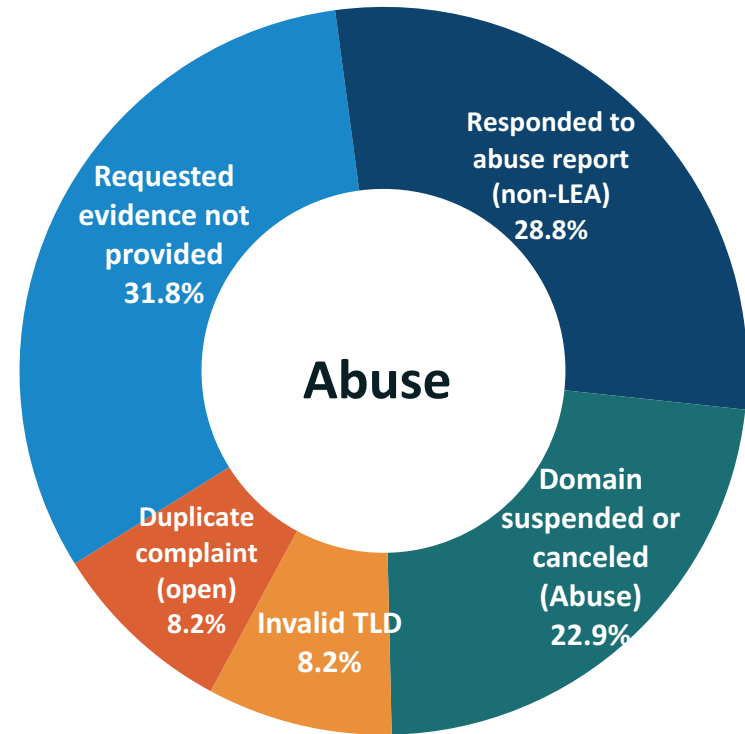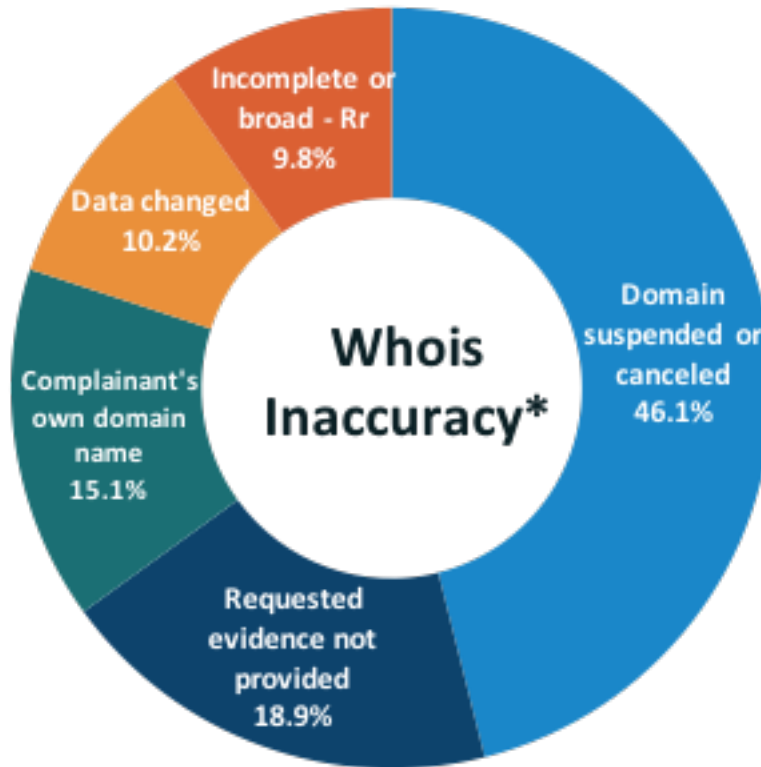
Response to Annex 1 GAC Communique WHOIS Inaccuracy Nov 2015 – Nov 2016

Date Range: Nov 2015 - Nov 2016							
		Informal Resolution					Enforcement
	Received	Closed B4 1st Notice	1st Notice	2nd Notice	3rd Notice	Closed	Breach/ Suspension /
External Complaints							
WHOIS INACCURACY	27,282	12,661	14,591	1,340	163	27,773	6
Proactive Approach (Internal)							
WHOIS AccUEct Reporting System	4,614	2,618	1,596	141	10	4,153	1
WHOIS QUALITY REVIEW	10	1	12	3		12	1
Grand Total	31,906	15,280	16,199	1,484	173	31,938	8

…Between November 2015 and November 2016, Whois inaccuracy complaints constituted approximately 70% of complaints processed by ICANN Contractual Compliance (**almost 32,000 complaints**).

- Different Types of Whois Inaccuracy efforts - External complaints and Internal monitoring type of complaints

- Complaints are resolved during the informal resolution process

Top Closure Reasons (Oct 2016 – Jan 2017)

Whois Inaccuracy*

- Domain suspended or canceled 46.1%
- Requested evidence not provided 18.9%
- Complainant's own domain name 15.1%
- Data changed 10.2%
- Incomplete or broad - Rr 9.8%

Abuse

- Requested evidence not provided 31.8%
- Responded to abuse report (non-LEA) 28.8%
- Domain suspended or canceled (Abuse) 22.9%
- Invalid TLD 8.2%
- Duplicate complaint (open) 8.2%

Disclaimer: Due to rounding, percentages may not always appear to add up to 100%.

Closure reasons explain why a complaint is resolved or closed

How proactive monitoring is conducted, how often, who does it touch, if there are obstacles such as resources

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 (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

ICANN Proactive Monitoring & Outreach

Some efforts in 2016:

APAC Whois Verification Project – Goal is to test compliance with 2013 RAA requirements to verify and validate WHOIS information. Of 31 registrars from Asia Pacific region, 3 are in remediation to address non-compliance issues, 1 received Notice of Termination.

3rd Notice Continuous Improvement Project – Goal is to improve registrar compliance and resolution rate. Of 7 registrars, 3 had significant reduction in 3rd notice volume and 4 have had no subsequent 3rd notices.

Remediation Validation Project – Goal is to test and validate past remediation. Zero of 20 Registrars had new instances of non-compliance in areas where remediation was previously performed.

Updates are provided in Quarterly and Annual Reports at
https://www.icann.org/resources/pages/compliance-reports-2016-04-15-en

Questions & Answers

Send compliance questions

<u>To</u>: compliance@icann.org

<u>Subject line</u>: ICANN 58 PSWG 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

➢ ICANN's response to Annex 1 of the Hyderabad
https://www.icann.org/en/system/files/correspondence/marby-to-schneider-08feb17-en.pdf

Appendix

Annex 1 To GAC Hyderabad Communique

Compliance response to GAC communique.

I. Implementation of 2013 RAA provisions and Registrar Accreditation

2. Enforcement by ICANN of WHOIS Verification, Validation and Accuracy Requirements
3. Diligence by ICANN in Relation to Registrars' Duty to Investigate Reports of Abuse
4. Awareness Efforts by ICANN on Registrars' Obligations: What efforts does ICANN undertake to ensure registrars are educated and aware of their contractual obligations?

III. DNS Abuse Investigation, reporting and mitigation performance
1. Abuse Investigations, Research, Reports
2. Multi-Jurisdictional Abuse Reporting

Note: Numbering above consistent with Annex 1 numbering

Contractual Compliance Approach & Process

- ICANN Contractual Compliance has a standard approach and process when dealing with compliance related matters

- General Guidance:
    - An Inquiry may be sent for information gathering
    - A Notice may be sent regarding an alleged area of noncompliance
    - An Escalated Notice applies to compliance matters that require immediate resolution or are a repeated matter of a recently cured breach.
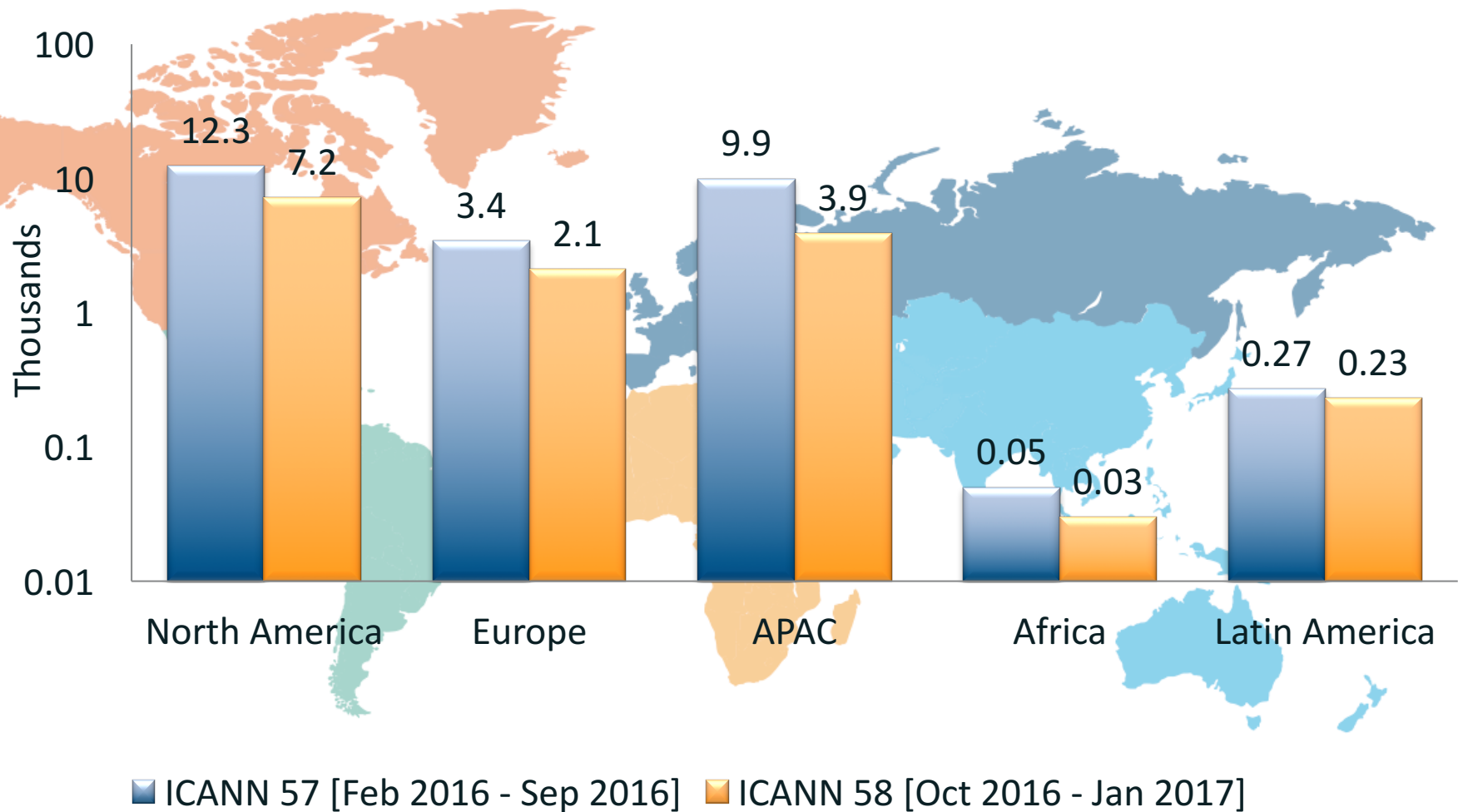
- The Approach & Process can be found at - https://www.icann.org/resources/pages/approach-processes-2012-02-25-en

WHOIS Inaccuracy and Abuse Trends 2014 - 2016

Legacy TLD	2014 Volume							2015 Volume							2016 Volume								
Complaint Type	Received	Closed Before 1st Notice	1st Notice	2nd Notice	3rdNotice	Closed	Breach	Received	Closed Before 1st Notice	1st Notice	2nd Notice	3rd Notice	Closed	Breach	Received	Closed Before 1st Notice	1st Notice	2nd Notice	3rd Notice	Closed	Breach	Suspension	Termination
WHOIS ARS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	7092	2993	2067	128	10	4579	0	1	0
WHOIS INACCURACY	27164	9883	16929	3148	438	25913	15	33073	11665	21638	1990	446	33197	4	21195	9758	11600	1086	118	21835	7	0	0
WHOIS QUALITY REVIEW	82	1	81	31	2	94	0	44	0	25	4	1	44	1	8	1	11	3	0	10	0	0	0
ABUSE (Registrar)	233	94	134	70	22	212	3	404	239	158	53	12	410	3	480	334	183	53	10	514	0	0	0
ABUSE CONTACT DATA (Registry)	10	10	0	0	0	10	0	19	20	0	0	0	20	0	45	44	0	0	0	44	0	0	0

new gTLD	2014 Volume							2015 Volume							2016 Volume								
Complaint Type	Received	Closed Before 1st Notice	1st Notice	2nd Notice	3rd Notice	Closed	Breach	Received	Closed Before 1st Notice	1st Notice	2nd Notice	3rd Notice	Closed	Breach	Received	Closed Before 1st Notice	1st Notice	2nd Notice	3rd Notice	Closed	Breach	Vol Suspension	Vol Termination
WHOIS ARS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1466	693	255	18	1	937	0	0	0
WHOIS INACCURACY	177	120	55	7	0	166	0	528	235	249	34	2	433	0	1102	303	800	89	37	1078	0	0	0
WHOIS QUALITY REVIEW	3	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ABUSE	5	4	1	0	0	5	0	18	15	1	0	0	16	0	31	27	7	2	1	33	0	0	0
ABUSE CONTACT DATA	85	1	84	13	2	84	0	22	0	22	7	1	23	0	1	1	0	0	0	1	0	0	0

- Volume of Compliance complaints since 2014
- The Contractual Compliance Approach & Process are published at https://www.icann.org/en/system/files/files/overall-03oct14-en.pdf

Global Complaint Trend ICANN 57 vs. ICANN 58

Chart showing complaint data by region on a logarithmic scale (Thousands):

Region	ICANN 57 [Feb 2016 - Sep 2016]	ICANN 58 [Oct 2016 - Jan 2017]
North America	12.3	7.2
Europe	3.4	2.1
APAC	9.9	3.9
Africa	0.05	0.03
Latin America	0.27	0.23

ICANN 57 [Feb 2016 - Sep 2016]   ICANN 58 [Oct 2016 - Jan 2017]

2013 RAA: Abuse Reports Requirements

Section 3.18.1

VS

- 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

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

Contractual Compliance Audits

The table below provides a summary of the audits performed from 2013 to 2017

Year	Registrars		Registries	
	Initial Population	Audit Population	Initial Population	Audit Population
2013	317	186	6	5
2014	322	152	20	20
2015	316	128	16	16
2016	190	80	10	10
2017	55	52	20	20
Total	1,200	598	72	71

Contractual Compliance Registrar Audits & Top 5 Deficiencies

	2013	2014	2015	2016		2017
2009 RAA 3-Year Program	Round 1	Round 2	Round 3	N/A	N/A	N/A
2013 RAA Audit Program	N/A	N/A	N/A			
Initial Population	317	322	316	67	123	55
Population Audited*	186	152	128	65	15	52

* - Population reduced for at least one of the following reasons:

    a) Reported as a Family

    b) Terminated Prior to Audit Phase

    c) Postponed

Real Deficiency Rank	2013 RAA Provision	2013 RAA Obligation	Comments
1	3.7.7.1 to 3.7.7.12	Registration Agreement	Started testing in previous round. 93% of Registrars in previous round with Real Deficiencies. Expected to be about the same in current round.
2	3.18	Registrar abuse contact and duty to investigate abuse reports	Started testing in pevious 2 round. Over 70% of Registrars with Real Deficiencies. Expected to be about the same in current round.
3	3.3.1 to 3.3.5	Whois- Port43/Web, Corresponding Data Elements	
4	3.16	Link to Registrant Educational Information	
5	7.6	Update Primary Contact Information in RADAR	

Contractual Compliance Registry Audits & Top 5 Deficiencies

	2013	2014		2015		2016	2017
Legacy TLD 3-Year Program	Round 1	Round 2	N/A	Round 3	N/A	N/A	N/A
New gTLD Audit Program	N/A	N/A		N/A			
Initial Population	6	6	14	5	11	10	20
Population Audited*	5	6	14	5	11	10	20

* - Population reduced for at least one of the following reasons:

a) Declined Audit

Real Deficiency Rank	RA Provision/ Specification	RA Obligation	Comments
1	Article 2.7 / Specification 6	Registry Interoperability and Continuity	Link to DNSSEC Practice Statements (DPS) missing from new gTLD Registry's website
2	Article 2.5 / Specification 4	Publication of Whois Registration Data	Link to ICANN Whois information/ policy missing from new gTLD Registry's website
3	Article 2.3 / Specification 2	Data Escrow	Data Escrow (DE) and Bulk Registration Data Access (BRDA) files: - Some mandatory fields missing in the DE and BRDA files
4	Article 2.4 / Specification 3	Monthly Reporting	Monthly reporting issues; number of domains over/underreported
5	Article 2.17 / Specification 11	Additional Public Interest Commitments	Registry-Registrar Agreements missing required language