Contractual Compliance

2013 RAA Outreach

<u>Objective</u>: To provide an update on the changes due to the 2013 RAA

ICANN

Agenda:

- **Changes to 4 Current Complaint Types**
    - Whois Inaccuracy
    - Registrar Contact Information
    - Link to Registrant Rights and Responsibilities
    - Data Retention

- **11 New Complaint Types**

- Enhanced Enforcement Tools

- Question & Answer

Changes to Whois Inaccuracy

- Effective 1 January 2014
- Per Whois Accuracy Program Specification and Registration Data Directory Service (Whois) Specification
- <u>Additional</u> data ICANN may request:
    - Proof of validation at time of registration
    - Proof of verification of email address or telephone number
- <u>Additional</u> areas ICANN may validate:
    - Proof of manual verification or domain termination, suspension or registrar hold
    - Whois format requirements

ICANN

Changes to Registrar Contact Information

- Effective Upon contract execution

- Per Registrar Information Specification

- ICANN may check the website link for:

    - Correspondence Address for Registrar

    - If Principal Place of Business is Different

        - Address, Telephone, Fax, Email

    - Full Name, Contact Information, and Position of All Officers

    - Ultimate Parent Entity of Registrar

- ICANN may request:

    - Proof of publication within 20 days of change

    - Website URLs

    - Screenshots

ICANN

Changes to Registrant Rights and Responsibilities

- Effective 1 January 2014

- Per Registrants' Benefits and Responsibilities

- New name: Registrant Educational Materials

- ICANN may request:

  - Screenshots

  - Website URLs

ICANN

Changes to Data Retention

- Effective 1 January 2014

- Per Data Retention Specification

- Maintain registration data for duration of registration then 2 additional years thereafter

  - Previously 3 years

- New data that must be maintained (see Data Retention Specification)

- Sensitive data must be maintained for 6 months (per Section 1.2)

- Registrars may submit to ICANN a Waiver Request from compliance with the specific requirements of the Data Retention Specification.

ICANN

Changes to Data Retention (continued)

- ICANN may request these records for:
  - Whois inaccuracy complaints
  - Transfer complaints
  - Domain renewal complaints
  - Other complaints that require this data

ICANN

New Complaints

Domain Not in DNS for Non-response to Whois inquiry	Whois Format
Abuse Contact Data	Whois SLA
Customer Service Handling Process	CEO Certification
Failure to Support DNSSEC, IDNs, and IPv6	Registrar Information Specification
Privacy/Proxy Registration Program	Reseller Agreement
	Notify ICANN of Bankruptcy, Conviction or Security Breach

New: Domain Not in DNS for Non-Response to Whois Inquiry

- Effective 1 January 2014

- Per Whois Accuracy Program Specification

- ICANN may validate that domain was deleted/suspended for:

    - Non-response within 15 days for Whois inquiry

    - Willful provision of inaccurate or unreliable contact information

    - Willful failure to update information within 7 days of change

- If registrar demonstrates compliance, ICANN will notify complainant to contact registrar directly regarding reactivation.

ICANN

New: Abuse Contact Data

- Effective 1 January 2014
- Per Section 3.18
- ICANN may validate:
    - Abuse contact email is on the website
    - That registrar publishes on the website a description of the procedures for the receipt, handling, and tracking of abuse reports
    - Registrar took reasonable and prompt steps to investigate and respond to reports
    - 24/7 abuse point of contact's dedicated email & phone
    - Review within 24 hours of well-founded reports of illegal activity
    - Maintain abuse reports and responses for 2 years (or as permitted by applicable law)

ICANN

New: Customer Service Handling Process

- Effective 1 January 2014

- Per Section 3.7.11

- ICANN may request:

  - Copy of customer service handling process

  - Link to customer service handling process on website

  - Written communications with Registered Name Holder regarding notification of customer service handling process

ICANN

New: Support DNSSEC, IDNs, and IPv6

- Effective 1 January 2014

- Per Section 3.19 and Additional Registrar Operation Specification

- ICANN may request:

  - Communications with customers and/or registries

  - Records and Policies

- DNSSEC specific request:

  - All such requests shall be transmitted to registries using the EPP extensions specified in RFC 5910 or its successors.

- IDN specific request:

  - Compliance with Additional Registrar Operation Specification

ICANN

New: Privacy/Proxy Registration Program

- Effective 1 January 2014
- Per Section 3.4.1.5 and Specification on Privacy and Proxy Registrations
- ICANN may request:
    - Website URLs
    - Screenshots
    - Documents and records pertaining to this Specification

ICANN

New: Whois Format

- Effective Upon contract execution
- Per Registration Data Directory Service (Whois) Specification
- ICANN may:
    - Review Whois format as part of other complaints
    - Check for required format and new fields

ICANN

New: Whois SLA

- Effective 1 January 2014
- Per Section 2.2 of Registration Data Directory Service (Whois) Specification
    - <u>Note</u>: Rest of this Specification is effective at contract execution
- ICANN may request:
    - Records and data
    - Root Cause Analysis
    - Short-term corrective action
    - Long-term preventative action

ICANN

New: CEO Certification

- Effective Upon contract execution

- Per Section 3.15

- ICANN may validate:

  - Certification submitted timely

  - Certification meets RAA requirements

ICANN

New: Registrar Information Specification

- Effective Upon contract execution
- Per Section 3.17 and Registrar Information Specification
- ICANN may review:
    - When processing complaints that requires information from Registrar Information Specification
    - For compliance with the Registrar Information Specification
- ICANN may request:
    - Website URLs
    - Screenshots
    - Documents and records to validate
    - Registrar to update required information

ICANN

New: Reseller Agreement

- Effective upon contract execution
- Per Section 3.12
- ICANN may request reseller agreement to validate:
  - When complaint involves alleged failure of reseller to provide services on behalf of registrar
  - Verifying reseller status
  - Registrar Information Specification related complaint
  - Registrar must provide properly executed reseller agreement

ICANN

New: Notify ICANN of Bankruptcy, Conviction or Security Breach

- Effective upon contract execution

- Per Section 3.20

- ICANN may request:

  - Proof of bankruptcy proceeding

  - Proof of conviction

  - Detailed description of breach, how it occurred, the number of registrants affected, and any action registrar took in response (breach itself is not grounds for compliance action)

Note: Disclosure and collaboration with ICANN is a factor when considering escalated compliance action.

ICANN

Enhanced Enforcement Tools

- Broadened suspension and termination rights:

  - Cybersquatting

  - Misleading information in renewal applications

  - Material breach 3 times within 12 months

ICANN

Thank you

Questions?

ICANN

2013 RAA Effective Dates

Effective Upon Effective Date of Agreement

➢ Registration Data Directory Service Specification (Whois formatting)
➢ CEO Certification - Due 20 January 2014 (Section 3.15)
➢ Registrar Information Specification - Registrars must provide specific information to ICANN, such as:

1. Full name, contact information and position of all owners, directors, officers and senior management of registrar
2. Whether owners, directors, officers or senior managers have been convicted of a misdemeanor or felony related to financial activities in the past ten years
3. Name of ultimate parent entity and list of affiliated registrars
4. Names of all of the resellers the registrar utilizes or benefits from

➢ Must provide notice to ICANN in 7 days of bankruptcy, convictions and security breaches (Section 3.20)
➢ Additional reasons for suspension and termination (Sections 5.5 and 5.7)
➢ Registrars must enter into agreements with resellers (Section 3.12)

2013 RAA Effective Dates

Effective 1 January 2014
➢ Abuse Contact Requirements (Section 3.18)
➢ Description of Customer Service Handling Process (Section 3.7.11)
➢ Registrars and Resellers must provide a link to Registrant Benefits and Responsibilities (Sections 3.7.10 and 3.12.7)
➢ Whois Accuracy Program Specification
➢ Data Retention Specification
➢ Additional Registrar Operation Specification (DNNSEC, IDNs and IPV6)
➢ Section 2.2 of the Registration Data Directory Service Specification RE: Whois Service Level Agreement
➢ Registrars and Resellers must comply with the Proxy and Privacy Registration Program established by ICANN (Sections 3.12.4 and 3.14)