

Contractual Compliance Report

For the Period of 1 – 30 June 2023

Jamie Hedlund, Senior Vice President,
Contractual Compliance and U.S. Government Engagement



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KEY HIGHLIGHTS FOR JUNE 2023

- Completed audit of 15 registrars against the Registrar Accreditation Agreement (RAA) and Consensus Policies that was launched in November 2022
 - Auditees addressed the findings described in the initial reports received in March 2023 by resolving the detected deficiencies or providing a remediation plan
 - Contractual Compliance sent final reports to auditees and published a final report summarizing the results of the audit round
- Received 1,401 new complaints and forwarded more than 219 notifications to contracted parties (CPs) during investigations into compliance with numerous requirements across ICANN policies and agreements
- Participated in ICANN77, Contractual Compliance subject matter experts (SMEs) explained abuse-related obligations, the Registration Data Policy, the Registration Data Request Service (RDRS), and the New Generic Top-Level Domains (gTLD) Subsequent Procedures
- Published two blogs that highlighted resources for registrants adversely affected by the conduct of the registrar Epik Inc.
 - The blogs also explained the actions ICANN has taken to ensure this registrar complies with its Registrar Accreditation Agreement (RAA) obligations and assist registrants

OVERVIEW OF ACTIVITY

Audit Program

Last November, the Compliance Audit team launched a new audit round focused on registrar obligations under the RAA and Consensus Policies. Fifteen registrars received requests for information in December. At the end of May, the audit closed.

A final audit report summarizing the overall results of the audit round was [published](#) 22 June 2023.

Contractual Compliance Enforcement

All notices can be found [here](#).

Notices of Breach

On 1 June 2023, ICANN sent a [Notice of Breach](#) to the registrar Epik. The breach was a result of the failure of the registrar to pay past due accreditation fees to ICANN, as required by Section 3.9 of the RAA. It also noted that ICANN Contractual Compliance had received multiple complaints from registrants asserting that Epik was not fulfilling its obligations related to domain name registration renewal and transfer requests. The deadline to cure was 22 June 2023. On 21 June 2023, Epik cured the Notice of Breach. The registrar paid all outstanding ICANN fees and, with respect to the unresolved complaints, Epik:

- Acknowledged and explained its failure to timely process various registrant requests, including to renew their gTLD name registrations
- Described the specific remedial measures it has taken to address these failures and to ensure that they would not reoccur in its provision of registrar services
- Described the actions it has taken to assist registrants and confirmed that it has resolved all remaining issues with respect to the gTLD domain names impacted by its failures noted above

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- As confirmed by the Internet Corporation for Assigned Names and Numbers (ICANN), renewed or allowed registrants to transfer all gTLD domain names that were the subject of complaints and for which evidence of payment had been received.

ICANN acknowledged the remedial measures and noted that should any of these issues reoccur, it will take expedited action to enforce Epik's contractual obligations. ICANN continues monitoring the registrar's compliance with all its RAA obligations.

ICANN Contractual Compliance published two blogs on [9 June 2023](#) and [30 June 2023](#) to

- Highlight the resources available under ICANN agreements and policies for registrants experiencing issues with their domain name registrations with Epik;
- Explain the actions ICANN has been taking to ensure this registrar complies with its contractual obligations;
- Explain the actions the registrar had taken to cure the Notice of Breach; and
- Provide an update on Epik's request to assign its RAA to a third party and the process that ICANN will follow in reviewing the request

On 5 June 2023, ICANN sent a [Notice of Breach](#) to the registry operator Asia Green IT System Bilgisayar San. ve Tic. Ltd. Sti (Asia Green). The Notice of Breach was the result of the registry operator's failure to:

- Pay past due fees, as required by Article 6 of the Registry Agreement (RA)
- Provide domain name data in the specified response format, as required by Section 1 of Specification 4 of the RA and Sections 1 and 7 of the Registry Registration Data Directory Services Consistent Labeling and Display Policy

The Notice of Breach also included concerns related to Asia Green's bulk registration data format, which does not appear to be passing validation measures for the top-level domains nowruz, tci, shia, pars and xn--mgbt3dhd, as required by Section 3 of Specification 4 of the RAs.

Notices of Suspension/Terminations

No new suspension or termination notices were issued in June 2023.

Enforcement Notices Escalated to the ICANN Legal Team (Mediation)

No escalations were received by the ICANN Legal team.

Compliance Matters Related to Registrars and Registry Operators

In June, Contractual Compliance received 1,401 new complaints (1,316 against registrars and 85 against registry operators) and sent 219 inquiries and notices (collectively, referred to a "compliance notifications") to CPs. This number (219) refers to the first, second, and third compliance notifications and does not account for notifications sent to request clarification or additional evidence following a CP's response.

Most notifications sent to registrars addressed obligations related to abuse, registrar data escrow, and transfer (i.e., registrar issues with no dedicated complaint form). Most notifications sent to registry operators addressed obligations related to monthly reports, code of conduct and registry data escrow. During the month of June, the Contractual Compliance team closed 764 complaints without having to contact a CP.

Examples of complaints closed without contacting a CP include instances in which the complainant:

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- Did not respond to ICANN Contractual Compliance’s request for evidence
 - Complained about a domain registered in a country code top-level domain (TLD)
 - Submitted a duplicate complaint either before resolution of the original complaint or about an issue that was already resolved at the time the complaint was reviewed (e.g., the domain is subject to a pending WHOIS inaccuracy complaint)

In all the cases, the Compliance team educated complainants on ICANN’s authority and provided alternatives where appropriate.

Compliance Monthly Dashboard and Trend Reporting

Click the links below to view the dashboard and reporting trends for June 2023:

- [Contractual Compliance 2023 Monthly Dashboards](#)
- [Contractual Compliance Twelve-Month Trends Reporting](#)

Enforcement of the Temporary Specification for Generic Top-Level Domain (gTLD) Registration Data via the Interim Registration Data Policy

In June, the Contractual Compliance team continued to process Temporary Specification-related compliance inquiries. The team initiated six new inquiries concerning reasonable access to nonpublic registration data (Section 4.1, Appendix A); and the Contractual Compliance team continued addressing previously submitted cases currently under remediation or pending further responses and collaborations. The team also continued educating complainants on Temporary Specification requirements for out-of-scope or invalid complaints. Examples of this are when complainants believe registration data redacted per the Temporary Specification is “missing” from the public WHOIS, or privacy, or proxy service data are redactions, or that all non-European data should be displayed, etc.

In June, the Contractual Compliance team continued:

- Providing contractual compliance input for implementation of the Expedited Policy Development Process (EPDP) on the Temporary Specification Phase 1 recommendations
- Attending Board Caucus calls concerning EPDP and the European Union’s General Data Protection Regulation, and Data Protection and Privacy
- Providing metrics related to complaints related to alleged violations of the Temporary Specification and compliance notices or inquiries sent and closed during the month.
- Providing input on contractual requirements for third-party access to nonpublic Registration Data under current requirements and future policy recommendations, as it relates to the design and development of the Registration Data Request Service (RDRS).

In addition, the Contractual Compliance team participated in the EPDP Phase 1 Implementation Review Team (IRT) public session during ICANN77.

Registration Data Access Protocol (RDAP) Implementation

In June, the Contractual Compliance team continued processing service-related compliance notifications for the Registration Data Access Protocol (RDAP). From October 2019 to June 2023, the Contractual Compliance team processed notifications with respect to the implementation of the RDAP service and registration of base Uniform Resource Locators (URLs). Current information indicates that all TLDs are compliant, while 44 registrars have not yet uploaded their URL to the Naming Services portal. The Contractual Compliance team continues to collaborate with these CPs that have not yet implemented RDAP and those that

have presented remediation measures to become compliant. These CPs are requested to provide regular updates to their open compliance tickets regarding their progress towards remediation. To date, the Contractual Compliance team has received no third-party complaints concerning RDAP. There has been no indication that any registrars or registry operators have ceased to operate WHOIS services.

Policy and Working Group Efforts

The Contractual Compliance team collaborated across the ICANN organization (org) on assessing the multiple recommendations produced by policy development, implementation, and review teams. The following activities took place:

- Participated in the ICANN org's feedback group tasked with reviewing the first batch of stable recommendations for internationalized domain names (IDN)-EPDP
- Continued providing contractual compliance input for implementation of the EPDP on the Temporary Specification for gTLD Registration Data Phase 1 recommendations
- Continued providing contractual compliance input on Second Security, Stability, and Resiliency Review Team recommendations
- Continued providing contractual compliance inputs and clarifications to address the PDP Working Group's (WG) questions raised during the review of Transfer Policy Review - Phase 2 topics (Transfer Emergency Action Contact/ Transfer Dispute Resolution Policy / transfer reversal).

Outreach

From 12 June to 15 June 2023, the Contractual Compliance team attended the 77th ICANN Policy Forum meeting held in Washington D.C. At ICANN77, the Contractual Compliance's SMEs explained abuse-related obligations, the Registration Data Policy, the Registration Data Request Service (RDRS), and New gTLD Subsequent Procedures.

To learn more about ICANN's Contractual Compliance work, please visit:
<https://www.icann.org/resources/pages/compliance-2012-02-25-en>

Notices:
<https://www.icann.org/compliance/notices>

Reports:
<https://www.icann.org/resources/pages/compliance-reports-2021>

Performance Measurement Dashboard:
<https://features.icann.org/compliance/dashboard/report-list>



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