

# Contractual Compliance Report

For the Period of 1 – 30 September 2022

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## KEY HIGHLIGHTS FOR SEPTEMBER 2022

- Published a report and related blog on the completion of the New Generic Top-Level Domain (gTLD) ICANN Contractual Compliance Audit launched in April 2022. Received 904 new complaints and forwarded more than 269 notifications to contracted parties (CPs) during investigations into compliance with numerous requirements across ICANN policies and agreements.
- Assisted the ICANN Policy team with the review of Public Comments received for the Initial Report on Transfer Policy Review – Phase 1(a) and provided clarifications concerning the transfer policy provisions (e.g., requirements concerning gaining and losing form of authorizations (FOAs), transfer of domains under the privacy and proxy service).
- Conducted a webinar with updates on monitoring and enforcing activities during ICANN75 Prep Week. Additionally, the team contributed to ICANN75, including through the participation of Contractual Compliance Subject Matter Experts on Abuse-related obligations, the Temporary Specification, and New gTLD Subsequent Procedures.

## OVERVIEW OF ACTIVITY

### Audit Program

ICANN Contractual Compliance has completed its audit of selected gTLD registry operators ("registries") with the terms of the Registry Agreement and ICANN's temporary and consensus policies. The consolidated public [report](#) and the [blog](#) on this subject were published in September, prior to ICANN75.

A mutually agreed estimated timeframe to complete remediation was provided by auditees and progress is monitored by the Compliance team.

### Contractual Compliance Enforcement

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

### Notice of Breach

During September 2022, ICANN did not issue any new Notices of Breach. The Contractual Compliance team continued to review and follow up, as appropriate, on communications with the relevant CPs pertaining to Notices of Breach issued in prior months.

### Notices of Suspension/Terminations

No new suspension or termination notices were issued in September 2022. On 27 September 2022, ICANN Contractual Compliance extended the suspension period for the registrar Intracom Middle East FZE (Intracom). In June 2022, this registrar received a [suspension notice](#) resulting from Intracom's failure to cure all violations in the 28 April 2022 [notice of breach](#). The suspension period was intended to end on 4 October 2022, if the registrar had cured all breaches by 13 September 2022. Not all violations were cured. ICANN Contractual Compliance received information from the registrar of the actions put in place to cure the remaining breaches and timelines. Therefore, the suspension period was extended until 4 January 2023 and the registrar was requested to provide monthly updates on the progress of the actions taken to become compliant. Intracom must cure all violations by 14 December 2022 to maintain its accreditation with ICANN. ICANN Contractual Compliance will continue monitoring the situation and may take escalated compliance action (including Registrar Agreement Accreditation (RAA) termination) if the registrar fails to provide the requested updates and/or additional information is

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received demonstrating that Intracom continues to violate the RAA or Consensus Policies, during or after the suspension period ends.

### **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 September, Contractual Compliance received 904 new complaints (826 against registrars and 78 against registry operators) and sent 269 inquiries and notices (collectively, referred to as “compliance notifications”) to CPs. This number (269) 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 of the notifications sent to registrars addressed obligations related to abuse, registration data inaccuracy, and transfers. Most notifications sent to registry operators addressed obligations related to zone file access, registry data escrow and monthly reports. During the month of September, the Contractual Compliance team closed 1,216 complaints without contacting the CP.

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

- Did not respond to ICANN Contractual Compliance’s request for evidence
- Complained about a domain registered in a country code top-level domain (ccTLD)
- 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**

- The September 2022 dashboard is available here: [Contractual Compliance 2022 Monthly Dashboards](#)
- New trend reporting is available here: [Contractual Compliance Twelve-Month Trends Reporting](#)

### **Enforcement of the Temporary Specification for gTLD Registration Data via the Interim Registration Data Policy**

In September, the Contractual Compliance team continued to process Temporary Specification-related compliance inquiries. The team initiated two new inquiries concerning reasonable access to nonpublic registration data (Section 4.1, Appendix A) and one new inquiry concerning display registration data in the Registration Data Directory Services (Appendix A, Section 2, et al.) and continued addressing previously submitted cases currently under remediation or pending further responses and collaborations. It also continued educating complainants on Temporary Specification requirements for out-of-scope or invalid complaints (e.g., where complainants believe registration data redacted per the Temporary Specification is “missing” from the public WHOIS, privacy, or proxy service data are redactions, or that all non-European data should be displayed, etc.).

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In September, the Contractual Compliance team continued:

- Providing contractual compliance input for implementation of the General Data Protection Regulation (GDPR) and the Expedited Policy Development Process (EPDP) Phase 1 recommendations, specifically concerning policy language and enforcement
- Attending Board Caucus calls concerning EPDP and GDPR/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

In addition, the Contractual Compliance team:

- Presented information and metrics related to enforcement of the Temporary Specification, Appendix A, Section 4.1 (reasonable access to nonpublic registration data) during the pre-ICANN75 webinar: Contractual Compliance Update
- Participated in ICANN75 sessions relating to Temporary Specification and EPDP Phase 1 and 2, including presenting material during the Registration Data Policy session regarding changes to contractual requirements following implementation of the Registration Data Policy

### **Registration Data Access Protocol (RDAP) Implementation**

In September, the Contractual Compliance team continued processing service-related compliance notifications for the Registration Data Access Protocol (RDAP). From October 2019 to September 2022, the Contractual Compliance team continued to process notifications with respect to the implementation of the RDAP service and registrations of base Uniform Resource Locators (URLs). Current information indicates that two top-level domains (TLDs) and 117 registrars have not yet uploaded their URL to the Naming Services portal or registered their URL with the Internet Assigned Numbers Authority. 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 worked with the Global Domains and Strategy team on assessing the multiple recommendations produced by review teams. The following activities took place:

- Provided input regarding metrics used for the Domain Name Marketplace Indicators initiative
- Continued providing contractual compliance input for implementation of the EPDP on the Temporary Specification for gTLD Registration Data Phase 1 recommendations
- Assisted the Policy team with the review of Public Comments received for the Initial Report on Transfer Policy Review - Phase 1(a) and provided clarifications concerning the Transfer Policy provisions (e.g. requirements concerning Gaining and Losing FOAs, transfer of domains under Privacy and Proxy service).
- Provided further input on SSR2 Review Team Recommendations 9.2 and 9.3 as requested by the Implementation Operations Team in preparation for the Board Caucus Group meeting.

### **Registry Compliance Checks**

There were no new registry compliance checks for September 2022.

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## Outreach

On 6 September 2022, ICANN Contractual participated in the ICANN 75 Prep Week by hosting a [webinar](#) with a summary of monitoring and enforcement activities conducted from June 2021 through May 2022. The webinar provided information on the New gTLD ICANN Contractual Compliance Audit, as well as of the enforcement of contractual obligations related to Disclosure of gTLD Registration Data, Abuse and the Uniform Domain-Name Dispute-Resolution Policy (UDRP). During the presentation, the Compliance team also shared information about formal enforcement and educational awareness activities.

Additionally, the team contributed to ICANN75, including through the participation of Contractual Compliance Subject Matter Experts on Abuse-related obligations, the Temporary Specification, 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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