

Contractual Compliance Report

For the Period of 1 – 31 October 2022

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TABLE OF CONTENTS

KEY HIGHLIGHTS FOR OCTOBER 2022	3
OVERVIEW OF ACTIVITY	3
AUDIT PROGRAM	3
CONTRACTUAL COMPLIANCE ENFORCEMENT	3
NOTICE OF BREACH	3
NOTICES OF SUSPENSION/TERMINATIONS	3
ENFORCEMENT NOTICES ESCALATED TO THE ICANN LEGAL TEAM (MEDIATION)	3
COMPLIANCE MATTERS RELATED TO REGISTRARS AND REGISTRY OPERATORS	3
COMPLIANCE MONTHLY DASHBOARD AND TREND REPORTING	4
ENFORCEMENT OF THE TEMPORARY SPECIFICATION FOR GTLD REGISTRATION DATA VIA THE INTERIM	4
REGISTRATION DATA POLICY	4
REGISTRATION DATA ACCESS PROTOCOL (RDAP) IMPLEMENTATION	4
POLICY AND WORKING GROUP EFFORTS	5
OUTREACH	5

KEY HIGHLIGHTS FOR OCTOBER 2022

- In response to a request from Generic Names Supporting Organization Council, produced a [report](#) regarding enforcement of the Expired Domain Deletion Policy and the Expired Registration Recovery Policy
- Prepared for a new audit round which will focus on registrar obligations under the Registrar Accreditation Agreement and Consensus Policies
- Received 1,198 new complaints and forwarded more than 230 notifications to contracted parties (CPs) during investigations into compliance issues with numerous requirements across Internet Corporation for Assigned Names and Numbers' (ICANN) policies and agreements
- Continued providing contractual compliance input to different policy and working groups

OVERVIEW OF ACTIVITY

Audit Program

The Compliance Audit Team continued to monitor remediation of issues identified in a recently completed registry audit. Eight of 21 issues have been remediated since the audit closed.

The Compliance Audit team is currently preparing for the next registrar audit. This process was finalized at the end of October. It included the following steps:

- Developing an audit plan
- Selecting auditees
- Developing and issuing a Request for Information (RFI or audit questions)

Compliance will meet with the Compliance sub-group of the ICANN Registrar Stakeholder Group (RrSG) to address any questions its members may have prior to the formal launch of the next registrar audit.

Contractual Compliance Enforcement

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

Notice of Breach

During October 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 October 2022.

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 October, Contractual Compliance received 1,198 new complaints (1,132 against registrars, and 66 against registry operators) and sent 230 inquiries and notices (collectively referred to as "compliance notifications") to CPs. This number (230) 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 fees, and monthly reports. During the month of October, the Contractual Compliance team closed 743 complaints without contacting a CP.

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

- Failed to 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 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 trend for October 2022:

- [Contractual Compliance 2022 Monthly Dashboards](#)
- [Contractual Compliance Twelve-Month Trends Reporting](#)

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

In October, the Contractual Compliance team continued:

- Processing Temporary Specification-related compliance inquiries
- To initiate one new inquiry concerning reasonable access to nonpublic registration data (Section 4.1, Appendix A) and one new inquiry concerning Consent to Display Registration Data in the Registration Data Directory Services (Section 7.2).
- Addressing previously submitted cases currently under remediation or pending further responses and collaborations
- 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.).
- 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:

- Conducted registrar outreach regarding an advisory on fees related to processing requests for gTLD Registration Data access.

Registration Data Access Protocol (RDAP) Implementation

In October, the Contractual Compliance team continued processing service-related compliance notifications for the Registration Data Access Protocol (RDAP).

The Contractual Compliance team continued to process notifications with respect to the implementation of the RDAP service and registration of base Uniform Resource Locators (URLs). Current information indicates that two top-level domains (TLDs) and 116 registrars have not yet uploaded their URL to the Naming Services portal (NSp) or registered their URL with the Internet Assigned Numbers Authority (IANA).

The Contractual Compliance team continues to collaborate with 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 (GDS) team on assessing the multiple recommendations produced by review teams. The following activities took place:

- Participated in the ICANN organization feedback group, tasked with reviewing the first batch of stable recommendations for the Internationalized Domain Names 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 Security, Stability, and Resiliency (SSR2) Review Team Recommendations. On 31 October 2022, the Contractual Compliance team submitted a report to the GNSO Council related to the enforcement of the Expired Domain Deletion Policy and the Expired Registration Recovery Policy. The report responded to a GNSO Council's [request](#) posed to the Contractual Compliance team and contains data and observation garnered from the enforcement of these two consensus policies throughout the years. The report can be found [here](#)

Outreach

No outreach efforts were conducted in October 2022.

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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