

Contractual Compliance Report

For the Period of 1 – 31 December 2023

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KEY HIGHLIGHTS FOR DECEMBER 2023

- Completed the Audit launched in August focused on registry operators (ROs) compliance with the Registry Agreements, Temporary Specification, and Consensus Policies. it.
- Received 1,602 new complaints and forwarded more than 214 notifications to contracted parties (CPs) during investigations into compliance with numerous requirements across ICANN policies and agreements.
- Continued providing contractual compliance input to different policy and working groups.
- Participated in two training sessions for Ukrainian registrars and registrars located in Africa, respectively. During these sessions, the Compliance team provided details and addressed questions regarding the Contractual Compliance process as well as multiple contractual obligations.

OVERVIEW OF ACTIVITY

Audit Program

The Contractual Compliance Audit team launched a new audit round in August focused on validating ROs' compliance with multiple terms of the ICANN generic top-level domains (gTLD) Registry Agreement, Temporary Specification, and Consensus Policies.

All 19 ROs selected for audit submitted their documentation in response to RFIs (Requests For Information), which were sent in August 2023. All audit data was received from September to November 2023, and the Audit team followed up with auditees on findings (when applicable).

The audit was completed on 11 December 2023, and the [consolidated audit report](#) has been published.

Contractual Compliance Enforcement

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

Notices of Breach

No new notices of breach were issued in December 2023. The Compliance team continued working on the review of records and information related to breach notices issued in the prior months.

Notices of Suspension/Terminations

No new notices of Suspension/Termination were issued in December 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 December, Contractual Compliance received 1,602 new complaints (1,499 against registrars and 103 against ROs) and sent 214 inquiries and notices (collectively, referred to as "compliance notifications") to CPs. The number 214 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, transfer, and registration data inaccuracy. Most notifications sent to ROs addressed obligations related to

registry fees, zone file access, and monthly reports. During December, the Contractual Compliance team closed 1,129 complaints without having to contact a single CP.

Examples of complaints closed without contacting a single 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
- 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 Contractual 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 December 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 December, the Contractual Compliance team continued to process compliance inquiries related to the Temporary Specification. The team initiated four new inquiries concerning reasonable access to non-public registration data (Section 4.1, Appendix A) and one new inquiry concerning consent to display registration data (Section 7.2). In addition, 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 December, 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 concerning 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 non-public Registration Data under current requirements and future policy recommendations, as it relates to the design and development of the Registration Data Request Service (RDRS)

Registration Data Access Protocol (RDAP) Implementation

In December, the Contractual Compliance team continued processing service-related compliance notifications for the RDAP. From October 2019 to December 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 registry operators have registered URLs, while 182 registrars have not yet

uploaded their URL to the Naming Services portal. In addition, the team initiated new compliance cases related to CP conformance with RDAP Response Profile and Technical Service Guide requirements. The Contractual Compliance team continues to collaborate with CPs that have not yet implemented RDAP or whose RDAP implementation is not in conformance with the requirements, as well as those that have presented remediation measures to become compliant. These CPs are requested to provide regular updates on their open compliance cases regarding their progress towards remediation. There is no indication that any registrars or ROs 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:

- Significantly contributed to preparation of board paper and related materials on outstanding RDS-WHOIS2 recommendations for Board consideration
- Participated in the ICANN org's feedback group tasked with reviewing the first batch of stable recommendations for the expedited policy development process (EPDP) on Internationalized Domain Names
- 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 the Second Security, Stability, and Resiliency Review Team recommendations
- Continued providing contractual compliance inputs and clarifications to address the PDP Working Group's questions raised during the review of Transfer Policy Review – Group 1(b) topics relating to Change of Registrant

Outreach

Ukraine Registrar Training: On 5 Dec 2023, at the request of the Ukrainian registry, the ICANN Compliance team attended an online training session in partnership with the ICANN GSE Europe and GDS teams. The session primarily targeted ICANN-accredited registrars, and 30 participants joined the session. During the training, the team provided an overview of the ICANN Contractual Compliance Process, clarifications on the approach to handling DNS abuse complaints, shared information about RDAP amendments and enforcement, the upcoming Registrar Audit, and details about the types of complaints ICANN Compliance receives. The session addressed pre-submitted questions from the community. The team also provided clarifications regarding Registration Data Request Service (RDRS). Participants actively asked questions throughout the session. Compliance sessions were delivered in the Russian language as requested by the Ukrainian registry, which prompted active participation and understanding. Initially planned for an hour, the training session extended to 75 minutes.

Africa Registrar Training: The ICANN Compliance team attended an outreach event named "Managing gTLD Domain Names Effectively" on 8 Dec 2023, for African Internet Community members. The session, organized in partnership with GSE Africa and GDS teams, showcased high interest with 61 participants attending the event. During the session, the Compliance team provided clarifications on the Contractual Compliance Process and Approach, complaint handling details, Abuse report requirements for ICANN Accredited Registrars, RDAP amendments and enforcement, and updates on the Compliance Audit Program.

During the Q&A session, the team addressed various questions specifically regarding Privacy and Proxy services and differences, details on upcoming DNS Abuse amendments, RDRS,

Registrar required fees, RDAP, upcoming changes in requirements, and effective date timelines. The session was translated into French and Portuguese, allowing participants to listen to the session in their languages. At the end of the session, participants expressed a strong interest, indicating a desire for more frequent interactions to stay informed about updates.

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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