

Contractual Compliance Report

For the Period of 1 – 31 January 2023

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KEY HIGHLIGHTS FOR JANUARY 2023

- Reviewed the information and documents collected from the auditees of the new audit round which was launched in November 2022 and is focused on registrars' compliance with the Registrar Accreditation Agreement and Consensus Policies
- Received 981 new complaints and forwarded more than 322 notifications to contracted parties (CP) during investigations into compliance 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 launched a new audit round focused on registrar obligations under the Registrar Accreditation Agreement and Consensus Policies. Fifteen requests for Information were sent on 12 December. The responses are being received and reviewed during January 2023. None of the auditees are non-responsive.

The Compliance Audit team continued to monitor remediation of issues identified in a recently completed registry audit. At the end of January, 16 of 21 issues were remediated after the audit closed.

Contractual Compliance Enforcement

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

Notices of Breach

There were no new breaches issued in January 2023. During this month, the Contractual Compliance team continued working on previously issued notices of breach, including monitoring the development of measures taken to cure violations, informing complainants, and following up with CPs.

Notices of Suspension/Terminations

No new suspension or termination notices were issued in January 2023. During this month, the Contractual Compliance team extended the period for the [suspension](#) previously issued to the registrar Intracom Middle East FZE (Internet Assigned Numbers Authority (IANA) #1875) until 6 February 2023. This was the second time this extension was extended. The extension was due to the registrar's failure to fully cure all breaches though it did make progress to a final resolution.

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 January, Contractual Compliance received 981 new complaints (920 against registrars and 61 against registry operators) and sent 322 inquiries and notices (collectively, referred to as "compliance notifications") to CPs. This number (322) 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, transfers, and registrar data escrow. Most notifications sent to registry operators addressed obligations related to monthly reports, zone file access and bulk registration data access. During the month of January, the Contractual Compliance team closed 1,713 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

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

- [Contractual Compliance 2022 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 January, 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 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, or privacy, or proxy service data are redactions, or that all non-European data should be displayed, etc.).

In January, 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

Registration Data Access Protocol (RDAP) Implementation

In January, the Contractual Compliance team continued processing service-related compliance notifications for the Registration Data Access Protocol (RDAP). From October 2019 to January 2023, 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 four top-level domains (TLDs) and 46 registrars have not yet uploaded their URL to the Naming Services portal or registered their URL with IANA. 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 (GDS) team on assessing the multiple recommendations produced by review teams. The following activities took place:

- Participated in the ICANN organization'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 SSR2 Review Team recommendations
- Continued providing contractual compliance inputs and clarifications to address the PDP Working Group's (WG) questions raised during the WG's review of Public Comments received for the Initial Report on Transfer Policy Review – Phase 1(a)

Outreach

There were no outreach activities in January 2023.

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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