

Contractual Compliance November 2022 Round Registrar Audit Report

Contractual Compliance

June 2023



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1 Background

ICANN Contractual Compliance (Compliance) enforces the agreements between the Internet Corporation for Assigned Names and Numbers (ICANN) organization (org) and registries and registrars. Compliance ensures that these agreements are implemented to preserve and enhance the security, stability, and resiliency of the Domain Name System (DNS). Compliance undertakes enforcement actions resulting from complaints received from external users, proactive monitoring, and audit-related activities. This report summarizes the results from the most recent registrar audit.

Goal of the Audit Program

The objectives of the Audit Program are to identify, communicate, and ensure remediation of instances in which selected registries and registrars are not in compliance with their agreements with ICANN. These agreements are the Registrar Accreditation Agreement (RAA) and the Base Generic Top-Level Domain (gTLD) Registry Agreement (Registry Agreement) and they incorporate the consensus policies developed by the ICANN community. These audits help to ensure that contracted parties (CPs) with identified deficiencies (instances of non-compliance) implement proper controls to remain in compliance with their contractual obligations.

2 Executive Summary

On 28 November 2022, ICANN launched an audit round to test and validate that the selected registrars follow the terms of the 2013 version of the RAA and ICANN temporary and consensus policies. This report constitutes the results of the audit that took place from November 2022 through May 2023.

The audit round was conducted through the testing of data and the review of documentation, registrar websites and correspondence between the selected registrars and ICANN's Contractual Compliance team.

Fifteen (15) registrars were selected for this audit round. These registrars had not been audited since the first year of the Three-Year Audit Program (2012–2015)¹ and were still accredited at the time of the launch of this audit round. In total, 60 registrars met these criteria; however, many were part of families of registrars, and ICANN allowed one registrar to represent the family if the family of registrars were similarly managed both technically and operationally. The 15 selected registrars had over 83,000,000 number of domains under management (DUMs) as of the audit. The 15 selected registrars represented seven (7) registrar families comprised of 619 registrars.

During the audit phase, ICANN reviewed 846 documents collected in six different languages from the 15 registrars.

¹ Information pertaining to the Three-Year Audit Program can be found [here](#)

By 9 May 2023, ICANN had issued final audit reports to the 15 registrars. Six (40 percent) of the 15 registrars who received a final report had initial findings,² which were noted in their draft report; and they were able to fully resolve them prior to the completion of the remediation phase. Eight (53 percent) of the 15 registrars completed the audit with deficiencies,³ which were noted, as they were unable to fully resolve their initial findings prior to the completion of the audit. These registrars are implementing necessary changes to address the identified deficiencies. These changes also should prevent the instances of non-compliance from recurring in the future. ICANN Compliance will follow up with these registrars to ensure that they have completed the required remediation within the mutually agreed timelines. One (7 percent) of the 15 registrars was able to fully resolve their initial findings prior to the completion of the remediation phase, but the implemented updates have not been validated.⁴ ICANN Compliance will verify that the registrar has remediated the deficiencies at a later date.

² Initial findings are instances found during the Audit Phase where auditees appear to be non-compliant. These are discussed with auditees during the Remediation Phase to verify if the initial findings are valid.

³ Deficiencies are initial findings that are verified as instances of noncompliance after discussions with auditees during the Remediation Phase. Auditees with deficiencies are required to remediate the instance(s) of noncompliance.

⁴ Processes implemented during the Remediation Phase require time to take effect and demonstrate compliance.

3 Audit Program Scope

The Audit Program operates on a recurring cycle. Registrars may be subject to an audit cycle based on the selection criteria noted above in addition to other special circumstances or considerations.⁵

Details on the scope of the Audit Program can be found by clicking the following link:

<http://www.icann.org/en/resources/compliance/audits>

Timeline

The Audit Program consists of six phases with specific milestone dates and deliverables:

- 1) **Pre-Audit Notification Phase** – Two weeks prior to the launch of the audit, ICANN Compliance issues a general announcement notifying the contracted parties that they have been selected for the Audit round.
- 2) **Request for Information (RFI) Phase** – During this phase, Compliance issues audit questions to the selected contracted parties. The contracted parties then compile responses/documentation and respond to the audit RFI.
- 3) **Audit Phase** – Compliance reviews responses and, where applicable, tests, and validates the auditees’ responses.
- 4) **Initial Report Phase** – Compliance issues confidential draft audit reports containing initial findings to the auditees.
- 5) **Remediation Phase** – Compliance reviews the contracted parties’ remediation of the initial findings discovered during the audit phase.
- 6) **Final Report Phase** – Compliance issues confidential final audit reports to auditees. A consolidated audit round report is then issued and published at: [Contractual Compliance Reports and Blogs 2023 - ICANN](#).

The following table summarizes the Audit Program milestones and dates for this Audit Round:

Audit Program Milestone Dates						
Request for Information (RFI Phase)			Audit Phase	Initial Report Phase	Remediation Phase	Final Report Phase
1 st Notice	2 nd Notice	3 rd Notice	Start/End	Date Issued	Start/End	End
12 Dec 2022	10 Jan 2023	17 Jan 2023	18 Jan – 20 Mar 2023	21 Mar 2023	21 Mar – 09 May 2023	09 May 2023

⁵ For example, an audit of selected Registrars’ compliance with DNS abuse requirements was completed in 2021. The Final DNS Abuse Audit Report can be found [here](#).

4 Registrar Audit Program

The following table summarizes registrars selected to participate in the audit.

Phases	Count
RFI Phase	
Number of registrars selected for the audit	15
Registrar Total	15
Initial Report Phase	
Number of registrars with initial findings requiring follow-up and remediation	15
Registrar Total	15
Remediation Phase and Final Report Phase	
Number of registrars that completed resolution of initial findings prior to the close of the audit, validated	6
Number of registrars that completed resolution of initial findings prior to the close of the audit, to be validated at a future date*	8
Number of registrars that required additional time following the close of the audit to implement a remediation plan. Compliance will validate remediation at a future date.	1
Registrar Total	15

* Processes implemented during the Remediation Phase require time to take effect and demonstrate compliance

The following table summarizes the RAA provisions that were tested for contractual compliance and the number of registrars with deficiencies found during the Remediation Phase.

A deficiency is an initial finding noted in the audit report that is validated with an auditee. For example, if during the Audit Phase a Registrar's reseller agreement was found not to include language required by the RAA, and the Registrar updated their reseller agreement to come into compliance with the RAA, this instance of non-compliance would be considered a deficiency.

RAA Obligation / Test Area	Deficiencies Identified	No. (Percent) of Registrars with Deficiencies
2.2 – Registrar Use of ICANN Name, Website and Trademarks	Registrar displayed an unauthorized ICANN logo on its webpage	2 (13 percent)
3.3.1 to 3.3.5 – WHOIS (Corresponding Data Elements)	Registrar's WHOIS service output did not display all required fields	1 (7 percent)

RAA Obligation / Test Area	Deficiencies Identified	No. (Percent) of Registrars with Deficiencies
3.3.1 to 3.3.5 – WHOIS (Corresponding Data Elements)	Registrar's WHOIS service output did display all required fields; however, at least one of those required fields was not populated (i.e., contained no data)	2 (13 percent)
3.4.1 – Retention of Registration Data	Registrar does not maintain, or have access to, an electronic database that stores the data specified in the Data Retention Specification	1 (7 percent)
3.4.2 – Retention of Registration Agreement and Payment Records	Registrar does not maintain sufficient records pertaining to a domain's registration	2 (13 percent)
	Registrar does not maintain sufficient records pertaining to a domain's purchase (e.g., renewal payment)	2 (13 percent)
3.7.5.3 to 3.7.5.6 – Expired Domain Deletion Policy (EDDP)	Registrar's webpage does not display any fee charged for the recovery of a domain name during the redemption grace period	2 (13 percent)
3.7.7 – Self-Registered Domains	Registrar has self-registered domain names and does not clearly use those domains to conduct registrar services	5 (33 percent)
3.7.7.1 to 3.7.7.12 – Domain Registration Agreement	Registrar does not include all required provisions within its Domain Registration Agreement (DRA) executed with domain name registrants	9 (60 percent)
3.7.8 – Business Dealings, Including with Registered Name Holders	Registrar does not maintain sufficient records pertaining to WHOIS Accuracy Program Specification (WAPS) verification	2 (13 percent)
	Registrar's WAPS verification process does not incorporate all the required standards. The standards include validation of the proper format of telephone numbers, postal and email addresses; and verification the registered name holder's email address and telephone number.	2 (13 percent)
3.12 – Reseller Agreements	At least one of registrar's resellers does not display a link to ICANN's Registrant Rights and Responsibilities page on their webpage	8 (54 percent)
3.13 – Registrar Training	Registrar's current primary contact has not completed the required registrar training	1 (7 percent)

RAA Obligation / Test Area	Deficiencies Identified	No. (Percent) of Registrars with Deficiencies
3.14 – Obligations Related to Proxy and Privacy Services	Registrar's webpage does not contain all required terms for Proxy and Privacy Services (if offered)	2 (13 percent)
	Registrar does not include the underlying customer information of Proxy and Privacy customers in its data escrow deposits	1 (7 percent)
3.16 – Link to Registrant Educational Information	Registrar's webpage does not display a link to ICANN's Registrant Rights and Responsibilities page	1 (7 percent)
3.17 – Registrar Contact Details on Registrar's Website	Registrar's webpage does not display all elements required per their Registrar Information Specification submission	6 (40 percent)
	Registrar's webpage does not display a public mailing address	1 (7 percent)
	Registrar's webpage does not display an acceptable public mailing address (i.e., P.O. Box is not allowed)	1 (7 percent)
3.18 – Registrar Abuse Contact and Reporting	Registrar does not maintain a telephone number monitored 24/7 to receive reports of Illegal Activity by law enforcement, consumer protection, quasi-governmental or other similar authorities	4 (27 percent)
	Registrar's webpage does not display a description of its investigation process for abuse reports, including procedures for the receipt, handling, and tracking of abuse reports	3 (20 percent)
	Registrar's webpage does not display an abuse email address	2 (13 percent)
3.19 – Additional Technical Specifications - DNSSEC	Registrar does not allow its customers to use DNSSEC upon request	2 (13 percent)
4.1 – Expired Registration Recovery Policy (ERRP)	Registrar's process for interrupting the DNS resolution path relative to expiration date is not in compliance with the Consensus Policy. The DNS resolution path must be interrupted immediately following expiration until deletion for registrations deleted within 8 days of expiration; or interrupted for at least 8 consecutive days	3 (20 percent)

RAA Obligation / Test Area	Deficiencies Identified	No. (Percent) of Registrars with Deficiencies
4.1 – Expired Registration Recovery Policy (ERRP)	preceding deletion for registrations deleted 8 or more days after expiration.	
	Registrar's webpage does not display fees charged for domain name renewals and/or does not contain a description of the methods used to deliver pre- and post-expiration notifications to the domain name registrant	1 (7 percent)
	Registrar directs expired domains to a parking page that does not contain all required elements per the Consensus Policy	1 (7 percent)
	Registrar does not maintain sufficient records of sending ERRP emails to its domain registrants	1 (7 percent)
4.1 – Transfer Policy	Registrar does not maintain sufficient records pertaining to change of registrant requests	1 (7 percent)
4.1 – WHOIS Data Reminder Policy (WDRP)	Registrar's WDRP email does not contain all required elements per the Consensus Policy	2 (13 percent)
	Registrar does not maintain sufficient records of sending WDRP emails to its domain registrants	1 (7 percent)

A “test area” is a provision consisting of multiple contractual requirements, resulting in several test steps. A registrar may have multiple deficiencies under a test area.

Each selected registrar received an individual audit report noting initial findings identified in the audit. ICANN shared these audit reports only with the selected registrars and these reports are not available to the public. Fifteen registrars received a report noting initial findings and also received a notice (1st Notice) to participate in the remediation process to cure noted findings in accordance with ICANN’s notification process (i.e., 15 days for the 1st Notice, 5 days for the 2nd Notice, 5 days for the 3rd Notice). For more information on the process, see:

<https://www.icann.org/resources/pages/approach-processes-2012-02-25-en>

ICANN’s standard audit approach process requires registrars to demonstrate sufficient remediation of all deficiencies by the end of the remediation phase (i.e., 25 business days per the notice process per the link above). However, ICANN acknowledges that some deficiencies may require system updates, registrar’s legal review, and/or the involvement of third parties

(e.g., resellers, registrants, etc.). Therefore, if a registrar is unable to fully remediate a deficiency by the end of the Remediation Phase, ICANN will accept a remediation plan from the registrar that details the actions being taken by the registrar to remediate the deficiency and the expected date of completion. By the end of the audit, nine registrars provided a remediation plan for at least one (1) deficiency and are taking the necessary action(s) to address the instances of non-compliance. ICANN will follow-up with the registrars as they reach their agreed-upon date of completion to ensure that they are fully compliant. Compliance will monitor and enforce the relevant auditees' obligations to remediate the outstanding deficiencies summarized in the table below:

RAA Obligation / Test Area	Outstanding Deficiency	No. (Percent) of Registrars with Outstanding Deficiencies
2.2 – Registrar Use of ICANN Name, Website and Trademarks	Registrar has ICANN's generic logo displayed on its webpage. The Registrar has committed to removing the logo in the next webpage update by a specified date. Compliance will verify that the Registrar has remediated the deficiency.	1 (7 percent)
3.3.1 to 3.3.5 – WHOIS (Corresponding Data Elements)	Registrar will update its web-based WHOIS service to return the Technical Contact Email Address by a specified date. Compliance will verify that the Registrar has remediated the deficiency.	1 (7 percent)
3.4.1 – Retention of Registration Data	Registrar confirmed that it does not maintain the data specified in the Data Retention Specification in its electronic database as specifically required by the 2013 RAA. Registrar is updating its processes to comply with the obligations and is expected to complete the update by a specified date. Compliance will verify that the Registrar has remediated the deficiency.	1 (7 percent)
3.4.2 - Retention of Registration Agreement and Payment Records	Registrar did not provide payment records for a sample of domains as records were not being retained. Registrar confirmed during the Remediation Phase to have implemented changes to its record-keeping process. Compliance will verify that the Registrar has remediated the deficiency at a later date for a new sample of domain names.	2 (13 percent)
	Registrar did not provide registration agreement acceptance records for a sample of domains as records were not being retained. Registrar confirmed during the Remediation Phase to have implemented changes to its record-keeping process. Compliance will verify that the Registrar	1 (7 percent)

RAA Obligation / Test Area	Outstanding Deficiency	No. (Percent) of Registrars with Outstanding Deficiencies
3.4.2 - Retention of Registration Agreement and Payment Records	has remediated the deficiency at a later date for a new sample of domain names.	
	Registrar was not able to locate registration agreement acceptance records for domains obtained through various acquisitions and eventually consolidated into a single platform. Registration agreement acceptance records were not included as part of the consolidation. Registrar will update by a specified date. Compliance will verify that the Registrar has remediated the deficiency.	1 (7 percent)
3.7.5.3 to 3.7.5.6 – Expired Domain Deletion Policy (EDDP)	Registrar is updating its webpage to specify the fee charged for the recovery of a domain name during the Redemption Grace Period as required by the EDDP and Section 4.1 of the ERRP. Registrar is expected to complete by a specified date. Compliance will verify that the Registrar has remediated the deficiency.	1 (7 percent)
3.7.7 – Self-Registered Domains	Registrars maintain a large list of self-registered domains. Compliance confirmed with Registrars that many domains are not used for Registrar Services as these are defined by the 2013 RAA. The three (3) Registrars are taking steps to comply with the obligation and will provide an update by a specified date. Compliance will verify that the Registrars have remediated the deficiency.	3 (20 percent)
3.7.7.1 to 3.7.7.12 – Domain Registration Agreement	Registrars are updating their domain registration agreement to include the missing required provisions. The four Registrars are expected to complete the updates by a specific date. Compliance will verify that the Registrars have remediated the deficiency.	4 (27 percent)

RAA Obligation / Test Area	Outstanding Deficiency	No. (Percent) of Registrars with Outstanding Deficiencies
3.7.8 – Business Dealings, Including with Registered Name Holders	Registrar confirmed they do not have a contact information validation process in place as required by the WHOIS Accuracy Program Specification (WAPS). Registrar is updating its processes to comply with WAPS and is expected to complete the updates by a specific date. Compliance will verify that the Registrar has remediated the deficiency.	1 (7 percent)
	Registrars will update their WAPS process by a specified date to validate that postal addresses are in a proper format for the applicable country or territory per the 2013 RAA. Compliance will verify that the Registrars have remediated the deficiencies.	2 (13 percent)
3.7.8 – Business Dealings, Including with Registered Name Holders	Registrar did not provide WAPS verification email records for the 15 sample domains as records were not being retained. Registrar confirmed during the remediation phase to have implemented changes to its record-keeping process. Compliance will verify that the Registrar has remediated the deficiency at a later date for a new sample of domain names.	1 (7 percent)
3.12 – Reseller Agreements	Registrars have resellers that do not display a link on their webpage to ICANN's Rights and Responsibilities page. The Registrars are working with the resellers to take corrective action. Compliance will verify that the registrars have remediated the deficiencies.	3 (20 percent)
3.14 – Obligations Related to Proxy and Privacy Services	Registrar will update their webpage to include all required elements of Proxy and Privacy Services terms. Registrar expected to be complete by a specified date. Compliance will verify that the registrar has remediated the deficiencies.	1 (7 percent)
3.17 – Registrar Contact Details on Registrar's Website	Registrar confirmed that their mailing address was not found on their webpage. Registrar expected to update webpage by a specified date. Compliance will verify that the registrar has remediated the deficiencies.	1 (7 percent)

RAA Obligation / Test Area	Outstanding Deficiency	No. (Percent) of Registrars with Outstanding Deficiencies
	Registrar confirmed that their webpage does not include required information that is included in its Registrar Information Specification sheet. Registrar expected to update webpage by a specified date. Compliance will verify that the registrar has remediated the deficiencies.	2 (13 percent)
3.18 – Registrar Abuse Contact and Reporting 3.18 – Registrar Abuse Contact and Reporting	Registrar is updating their abuse phone number for receipt of Illegal Activity reports to have a voicemail option to allow for reports to be submitted 24/7. Registrar expected to complete by a specified date. Compliance will verify that the Registrar has remediated the deficiencies	1 (7 percent)
3.19 – Additional Technical Specifications - DNSSEC	Registrars are implementing the ability to support DNSSEC requests by their customers. Registrars are expected to complete implementation by a specified date. Compliance will verify that the registrars have remediated the deficiency.	2 (13 percent)
4.1 – Expired Registration Recovery Policy (ERRP)	Registrar is updating their DNS resolution path interruption process for expired domains as required per the ERRP. Registrars are expected to complete implementation by a specified date. Compliance will verify that the registrars have remediated the deficiency.	2 (13 percent)
	Registrar did not provide ERRP email records for a sample of domains as records were not being retained. Registrar confirmed during the Remediation Phase to have implemented changes to its record-keeping process. Compliance will verify that the Registrar has remediated the deficiency at a later date for a new sample of domain names.	1 (7 percent)
	Registrar is updating their expired domain parking page to contain all required elements per the Consensus Policy. Registrar expected to complete by a specific date. Compliance will verify that the registrar has remediated the deficiency.	1 (7 percent)

RAA Obligation / Test Area	Outstanding Deficiency	No. (Percent) of Registrars with Outstanding Deficiencies
4.1 – Transfer Policy	Registrar did not provide Change-of-Registrant records for a sample of domains as records were not being retained. Registrar confirmed during the Remediation Phase to have implemented changes to its record-keeping process. Compliance will verify that the Registrar has remediated the deficiency at a later date for a new sample of domain names.	1 (7 percent)
4.1 – WHOIS Data Reminder Policy (WDRP)	Registrars did not provide WDRP email records for a sample of domains as records were not being retained. Registrars confirmed during the Remediation Phase to have implemented changes to its record-keeping process. Compliance will verify that the registrars have remediated the deficiency at a later date for a new sample of domain names.	2 (13 percent)

COMMUNITY REPRESENTATION

The 15 Registrars were based in eight countries and provided documents in six languages:

Countries

- Australia
- France
- Germany
- India
- Japan
- Jordan
- Monaco
- United States of America

Languages

- Arabic
- English
- French
- German
- Hindi
- Japanese

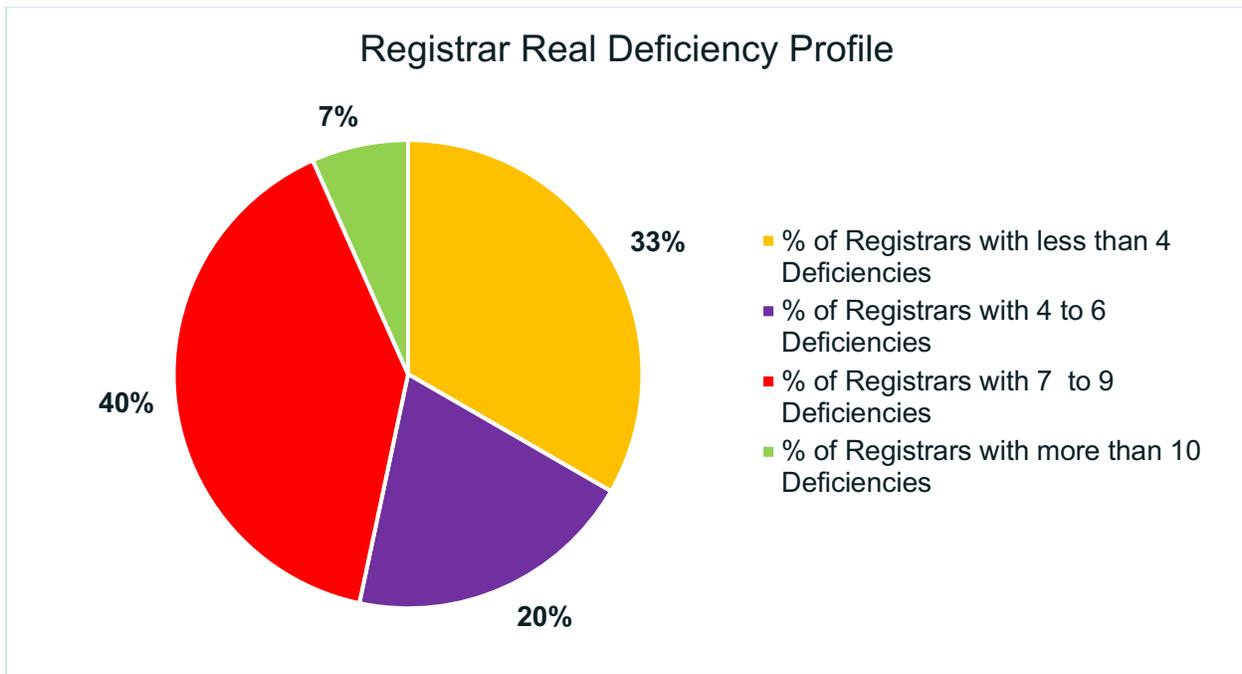
5 Audit Program Key Statistics

The following table summarizes the number of selected registrars receiving a 1st, 2nd, or 3rd notice as part of the RFI Phase.

Statistic Description	1 st Notice		2 nd Notice		3 rd Notice	
	Count	Percentage	Count	Percentage	Count	Percentage
Number of Registrars to Receive Notice	15	100 percent	5	33 percent	5	33 percent

Audit Phase – Real Deficiencies Reporting

The chart below provides an overview of the percentage of the 15 full-scope registrars that completed the Audit Phase with deficiencies noted.



Remediation Phase – Notifications

Based on the results of the Audit Phase, 15 registrars participated in the Remediation Phase to cure initial findings noted in their Audit Report. All registrars cured their initial findings and none received a Notice of Breach. The following table summarizes the number of selected Registrars receiving a 1st, 2nd or 3rd notice as part of the remediation process.

Statistic Description	1 st Notice		2 nd Notice		3 rd Notice	
	Count	Percentage	Count	Percentage	Count	Percentage
Number of Registrars Received Notices	15	100 percent	3	20 percent	3	20 percent

6 Audit Program Key Recommendations

A. General

- Registrars are encouraged to communicate questions to ICANN Compliance as they arise regarding acceptable documentation or unique process / procedures to avoid delays in the audit process.
- Registrars that are a part of a registrar “family” that are operationally and technically the same should proactively identify its members and communicate this to ICANN.
- When communicating to ICANN, registrars should use the Naming Services Portal (NSp). If they must send emails, they should select “receipt requested” option to ensure all emails are received by ICANN.
- Registrars are encouraged to make sure that Registrar Information Specification contains updated information as the audit team uses this data for certain test steps.

B. All Registrars should review the current Audit Program on ICANN’s webpage to understand the areas ICANN is reviewing, self-verify that their processes are compliant with the selected areas and proactively address potentially non-compliant areas prior to ICANN initiating an RFI Phase

- Registrars should ask for clarifications regarding the data requested (e.g. acceptable evidence to demonstrate compliance with the WHOIS Accuracy Program Specification).
- Registrars are encouraged to participate in audit webinars and ask questions for clarification.
- Registrars should provide detailed explanations within their RFI questionnaire if documents requested are not available or if alternatives have been submitted.

C. Audit Phase

- Registrars should review their ICANN Audit Report immediately upon receipt and seek clarification if they do not understand any of the findings.

D. Remediation Phase

- Registrars should respond to the first (1st) notice of the Remediation Phase with at least partial information and/or documentation addressing the findings noted in their audit report.
- ICANN will communicate the remediation process and the communication structure more clearly in future audit rounds.

7 Conclusion

Six (40 percent) of the 15 registrars who received a final report had initial findings noted in their draft report and were able to fully resolve them prior to the completion of the Remediation Phase. Eight (53 percent) of the 15 registrars completed the audit with deficiencies noted as they were unable to fully resolve their initial findings prior to the completion of the Remediation Phase. These registrars are implementing necessary changes to prevent the instances of non-compliance from recurring in the future. ICANN will follow up with these registrars once their agreed-upon due date for compliance has been reached. One (7 percent) of the 15 registrars

was able to fully resolve their initial findings prior to the completion of the Remediation Phase, but the implemented updates have not been validated. ICANN Compliance will verify that the registrar has remediated the deficiencies at a later date.

Appendix – The Registrars Selected for Round Five of the 2013 RAA Audit Program

IANA #	Registrar Name
2	Network Solutions, LLC
13	Webcentral Group Limited dba Melbourne IT
78	PSI-Japan, Inc.
88	Namebay SAM
113	CSL Computer Service Langenbach GmbH d/b/a joker.com
123	The Registry at Info Avenue, LLC d/b/a Spirit Communications
146	GoDaddy.com, LLC
228	Moniker Online Services LLC
269	Key-Systems GmbH
292	MarkMonitor Inc.
303	PDR Ltd. d/b/a PublicDomainRegistry.com
360	Abu-Ghazaleh Intellectual Property dba TAGIdomains.com
601	French Connexion SARL dba Domaine.fr
607	Annulet LLC
625	Name.com, Inc.