

Contractual Compliance Report

For the period of 1 – 30 September 2021

**Jamie Hedlund, Senior Vice President, Contractual Compliance and
Consumer Safeguards**



TABLE OF CONTENTS

OVERVIEW OF ACTIVITY	3
Audit Program	3
Notice of Breach	3
Notice of Suspension	3
Notice of Termination	3
Enforcement Notices Escalated to the ICANN Legal Team (mediation)	3
Compliance Matters Related to Registrars and Registry Operators	3
Enforcement of the Temporary Specification for gTLD Registration Data via the Interim Registration Data Policy	3
Registration Data Access Protocol (RDAP) Implementation	4
Policy and Working Group Efforts	4
Registrar and Registry Compliance Checks	4
Annual Compliance Certification Review Efforts	4
Outreach	5

OVERVIEW OF ACTIVITY

Audit Program

DNS Abuse Registrar Audit – The audit, aimed at verification of registrars' compliance with DNS security threat obligations, concluded at the end of June. The report was shared with the RrSG and published [here](#).

Registry Audit – Currently planning for the next audits of Registries and Registrars.

Contractual Compliance Enforcement – All notices can be found [here](#).

Notice of Breach

No notices of breach in September.

Notice of Suspension

No suspensions in September.

Notice of Termination

No terminations in September.

Enforcement Notices Escalated to the ICANN Legal Team (mediation)

No escalation to the ICANN Legal team.

Compliance Matters Related to Registrars and Registry Operators

In September, Contractual Compliance received 1,016 new complaints (918 against registrars, and 98 against registry operators) and sent 453 inquiries and notices (collectively referred to as “compliance notifications”) to contracted parties. This number (453) refers to 1st, 2nd and 3rd compliance notifications and does not account for notifications sent to request clarification or additional evidence following a contracted party's response.

Most of the notifications sent to registrars addressed obligations related to Transfers, Abuse, and Registration Data Inaccuracy. Most notifications sent to registry operators addressed obligations related to monthly reports, zone file access, and registry data escrow. During September, the Contractual Compliance team closed 925 complaints without contacting the contracted party. Examples of complaints closed without contacting the contracted party 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 cases, the Compliance team educated complainants on ICANN's authority and provided alternatives where appropriate.

The September 2021 Monthly Dashboard is available here: [ICANN Contractual Compliance Dashboard for September 2021](#).

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. We initiated five new inquiries concerning third-party access to non-public registration data in the Registry Registration Data Directory Services (RDDS) (Section 4.1, Appendix A), one new inquiry concerning consent to display registration data in the RDDS (Section 7.2), and two new

inquiries concerning the display of registration data in the RDDS (Sections 2.2-2.6 Appendix A). In addition, the Contractual Compliance team continued addressing previously submitted cases currently under remediation or pending further response and collaboration. 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 public WHOIS, privacy or proxy service data are redactions, or that all non-European data should be displayed, etc.).

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 Phase 2 recommendations.
- Providing metrics related to complaints received 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 September, the Contractual Compliance team continued processing service-related compliance notifications for the Registration Data Access Protocol (RDAP). From October 2019 to September 2021, the Contractual Compliance team has 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 three top-level domains (TLDs) and 61 registrars have not yet uploaded their URL to the Naming Services portal (NSp) or registered their URL with the Internet Assigned Numbers Authority (IANA), respectively. The Contractual Compliance team continues to collaborate with these contracted parties that have not yet implemented RDAP, and those that have presented remediation measures to become compliant. These contracted parties 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 Strategy (GDS) team on multiple reviews assessing the 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
- **GNSO Transfer PDP Working Group (WG)** – addressed WG's question whether the Contractual Compliance team will be able to enforce requirements relating to the discussed Transfer Authorization Code (TAC) Request, Pending Transfer and Transfer Completion notifications without the provision of mandatory templates. The Contractual Compliance team agreed with the suggestion to enforce the proposed “Transfer Authorization Code (TAC) Request,” “Pending Transfer,” and “Transfer Completion” notifications without provision of mandatory templates
- Provided input regarding the content of the notifications e.g., requirements not to include irrelevant information (e.g., advertisements of other services), inclusion of instructions for the Registered Name Holder (RNH) to invalidate the TAC, if the TAC was not requested by RNH.

Registrar and Registry Compliance Checks

In response to requests from the GDS team to verify that a contracted party is in good standing, a total of 14 registrars and six (6) TLDs went through compliance reviews during this reporting period.

Annual Compliance Certification Review Efforts

A total of five (4) registrars still did not submit the Annual Registrar Compliance Certificate to ICANN for calendar year 2020. The Contractual Compliance team is currently following up with those registrars. All registrars that are party to the 2013 Registrar Accreditation Agreement (RAA) are required to complete

and return to ICANN an annual certificate certifying compliance with the terms and conditions of the registrar's RAA within twenty (20) days following the end of each calendar year.

Currently, there are still three (3) registrars that have not provided ICANN with the annual certifications for 2019 and Compliance is following up accordingly.

Outreach

On 24 September 2021, the Contractual Compliance Istanbul team provided an update on results of a recently conducted Audit on registrars' compliance with Domain Name System (DNS) abuse obligations for Turkish registrars. The session was delivered upon request from the Turkish registrars in the Turkish language. The session was conducted in collaboration with the Global Stakeholder Engagement (GSE) team and delivered in the Turkish language. During the session the team provided clarifications on DNS abuse obligations imposed on registrars defined in the RAA and the results and methodology of the audit. The team also addressed questions and provided further clarifications about the ICANN Contractual Compliance Audit program.

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>



One World, One Internet