

# Contractual Compliance Report

For the Period of 1 – 30 September 2023

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## KEY HIGHLIGHTS FOR SEPTEMBER 2023

- Continued reviewing responses/documentation submitted by registry operators in response to Requests for Information (RFIs) that were sent in August as part of the current Registry Audit.
- Received 1,187 new complaints and forwarded more than 250 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.
- (DNS) Abuse Amendments to the Registrar Accreditation Agreement (RAA) and the Registry Agreement (RA).

## OVERVIEW OF ACTIVITY

### Audit Program

The Compliance Audit team launched a new audit round in August that is focused on validating registry operators' (ROs) compliance with multiple terms of the ICANN generic top-level domains (gTLD) RA and Temporary and Consensus Policies.

All 19 ROs under audit have submitted audit responses/documentation in response to Requests for Information (RFIs), which were sent in August 2023. The Audit team is reviewing ROs audit responses or documentation. Once completely reviewed, Compliance will issue individual confidential initial audit reports to each RO.

### Contractual Compliance Enforcement

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

### Notices of Breach

#### OpenTLD B.V.

On 20 September 2023, ICANN issued a Notice of Breach against the registrar OpenTLD B.V. (OpenTLD). The Notice of Breach resulted from OpenTLD's failure to:

- Make registration data and records available upon request by ICANN, as required by Section 3.4.3 of the RAA
- Permit registrants to renew expired registrations, as required by Section 2.2.5 of the Expired Registration Recovery Policy (ERRP)
- Provide registrants with AuthInfo codes and remove the "ClientTransferProhibited" status from domain names upon registrants' request, as required by Section I.A.5 of the Transfer Policy
- Complete and deliver to ICANN a Compliance Certificate within twenty (20) days following the end of the 2022 calendar year certifying compliance with the terms and conditions of the RAA, as required by Section 3.15 of the RAA

Additional concerns were included in the Notice of Breach and questions were presented to the registrar related to OpenTLD's:

- Pattern of unresponsiveness or untimely and incomplete responses to ICANN Compliance and to registrants
- Registration Data Directory Service (RDDS) not displaying full WHOIS data for domain names sponsored by OpenTLD that are using a privacy or proxy service
  - This is a requirement under Section 2.6 of the Temporary Specification for gTLD Registration Data (Temporary Specification).

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- As required by the Interim Registration Data Policy for gTLDs, the registrar must continue to implement measures consistent with the Temporary Specification.
  - Failure to respond to clarifying questions regarding OpenTLD's procedure for reviewing and responding to requests for access to Personal Data in Registration Data

The deadline to provide all records and information and take action to become compliant was 11 October 2023. ICANN continues working on all related cases and closely monitoring the registrar's compliance with all ICANN policies and agreements.

On 29 September 2023, ICANN issued a second Notice of Breach to OpenTLD. The Notice of Breach resulted from OpenTLD's failure to:

- Make registration data and records available upon request by ICANN, as required by Section 3.4.3 of the RAA
- Remove the "ClientTransferProhibited" status from domain names upon registrants' request, as required by Section I.A.5 of the Transfer Policy
- Pay ICANN accreditation fees, as required by Section 3.9 of the RAA

The deadline for the second [Notice of Breach](#) to provide all records and information and take action to become compliant is 20 October 2023.

### **GKG.NET, INC.**

On 22 September 2023, ICANN issued a [Notice of Breach](#) against the registrar GKG.NET, INC. (GKG.NET). The Notice of Breach resulted from GKG.NET's failure to:

- Comply with the Uniform Domain-Name Dispute-Resolution Policy (UDRP) and rules, as required by Section 3.8 of the RAA
- Upon reasonable notice, provide to ICANN records related to the receipt of and response to abuse reports, as required by Section 3.18.3 of the RAA
- Pay past due accreditation fees, as required by Section 3.9 of the RAA

Additional concerns were included in the Notice of Breach and questions presented to the registrar related to GKG.ET's:

- Pattern of unresponsiveness or untimely and incomplete responses to ICANN Compliance. Further, ICANN has been unable to contact the registrar by phone during GKG.NET's business hours.
- Failure to provide the information, data and records ICANN requested from the registrar under 3.4.3 of the RAA for ICANN to assess GKG.NET's compliance with the Expired Domain Deletion Policy (EDDP).

The deadline to provide all records and information and take action to become compliant was 13 October 2023. GKG.NET requested, and ICANN granted, an extension until 20 October 2023.

### **Notices of Suspension/Terminations**

No new suspension or termination notices were issued in September 2023.

### **Enforcement Notices Escalated to the ICANN Legal Team (Mediation)**

No escalations were received by the ICANN Legal team.

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## Compliance Matters Related to Registrars and Registry Operators

In September, Contractual Compliance received 1,187 new complaints (1,063 against registrars and 124 against registry operators) and sent 250 inquiries and notices (collectively, referred to as “compliance notifications”) to CPs. This number 250 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, registrar data escrow, and transfer (i.e., registrar issues with no dedicated complaint form). Most notifications sent to registry operators addressed obligations related to registry data escrow, zone file access, and abuse contact data. During the month of September, the Contractual Compliance team closed 1,040 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 (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 September 2023:

- [Contractual Compliance 2023 Monthly Dashboards](#)
- [Contractual Compliance Twelve-Month Trends Reporting](#)

## 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 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 top-level domains are compliant, while 44 registrars have not yet uploaded their URL to the Naming Services portal. 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 collaborated across the ICANN organization (org) on assessing the multiple recommendations produced by policy development, implementation, and review teams. The following activities took place:

- Participated in the ICANN org’s feedback group tasked with reviewing the first batch of stable recommendations for the expedited policy development process on internationalized domain names

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- 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 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 – Phase 2 topics (e.i., ICANN-approved transfers)

### **Outreach**

On 4 September 2023, a representative of the Contractual Compliance team participated in the discussions related to the proposed DNS Abuse Amendments to the RAA and RA that took place in Vietnam, during [ICANN's DNS Symposium](#).

On 21 September 2023, a representative of the Contractual Compliance team participated in the [webinar](#) ICANN hosted to review the proposed DNS Abuse amendments and provide an overview of the voting process and procedures



**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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