

# Contractual Compliance Report

For the period of 1 – 31 August 2021

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# OVERVIEW OF ACTIVITY

## **Audit Program: Domain Name System (DNS) Abuse Registrar Audit**

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

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

### **Notice of Breach**

No notices of breach in August

### **Notice of Suspension**

No suspensions in August

### **Notice of Termination**

No terminations in August

## **Enforcement Notices Escalated to the Legal Function (Mediation)**

No escalation to the legal function

## **Compliance Matters Related to Registrars and Registry Operators**

In August, Contractual Compliance received 900 new complaints (798 against registrars, and 102 against registry operators) and sent 371 inquiries and notices (collectively referred to as "compliance notifications") to contracted parties. This number (371) refers to 1st, 2nd and 3rd compliance notifications and does not account for notifications sent to request clarifications or additional evidence following a contracted party's response.

The majority of notifications sent to registrars addressed obligations related to transfers, abuse, and registration data inaccuracy. The majority of notifications sent to registry operators addressed obligations related to zone file access. During August, Contractual Compliance closed 1,636 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 name registered in a country-code top-level domain (ccTLD)
- Submitted a duplicate complaint either before the resolution of the original complaint or about an issue that was already resolved at the time the complaint was reviewed (the domain name is subject to a pending WHOIS inaccuracy complaint)

In all cases, the Contractual Compliance team educated complainants on ICANN's authority and provided alternatives where appropriate.

The August 2021 Monthly Dashboard is available by accessing the following link: [ICANN Contractual Compliance Dashboard for August 2021](#).

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## Enforcement of the Temporary Specification for gTLD Registration Data via the Interim Registration Data Policy

In August, the Contractual Compliance team continued to process Temporary Specification-related compliance inquiries. We initiated six new inquiries concerning third-party access to non-public registration data in the Registration Data Directory Services (RDDS) (Section 4.1, 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/invalid complaints. They occur when complainants believe registration data redacted per the Temporary Specification is “missing” from the public WHOIS, there are redactions in the privacy/proxy service data, or that all non-European data should be displayed, etc.

In August, the Contractual Compliance team continued:

- Providing contractual compliance input for implementation of Expedited Policy Development Process (EPDP) Phase 1 recommendations, specifically concerning policy language and enforcement
- Attending Board Caucus calls concerning the European Union’s General Data Protection Regulation (GDPR) and EPDP Phase 2 recommendations
- Providing metrics related to complaints received related to alleged violations of the Temporary Specification and compliance notices/inquiries sent and closed during the month
- Attending internal EPDP Phase 2A meetings to provide compliance input, as needed

In addition, Contractual Compliance provided analysis and updates to the “What is WHOIS data used for?” webpage in light of concerns expressed by Generic Names Supporting Organization (GNSO) Council Member, Pam Little, regarding EPDP Phase 1 purposes and GDPR.

## Registration Data Access Protocol (RDAP) Implementation

In August, the Contractual Compliance team continued processing Registration Data Access Protocol (RDAP) service-related compliance notifications. From October 2019 to August 2021, Contractual Compliance continued to process notifications with respect to the implementation of the RDAP service and the registration of base Uniform Resource Locators (URLs). Current information indicates that three top-level domains (TLDs) and 70 registrars have not yet uploaded their URL to the Naming Services portal (NSp), or registered their URL with IANA, respectively. The number of registrars has increased due to an increase in recent registrar accreditations. Nevertheless, the Contractual Compliance team continues to collaborate with these contracted parties that have not yet implemented the 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, Contractual Compliance has received no third-party complaints concerning the RDAP. There has been no indication that any registrars or registry operators have ceased to operate WHOIS services.

## NSp Compliance

During the month of August, the Contractual Compliance team continued working with the Engineering and Information Technology (E&IT) team and the rest of the cross-functional team on minor adjustments to the Phase 2B requirements, which were deployed on 30 July 2021.

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## Policy and Working Group Efforts

The Contractual Compliance team worked with the Global Domains and 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 Temporary Specification for gTLD Registration Data Phase 1 recommendations
- Reviewed the Second Security, Stability and Resiliency of the Domain Name System Review Team (SSR2-RT) Final Recommendations and provided input from Contractual Compliance's perspective
- **GNSO Transfer PDP Working Group** – Addressed the working group's question whether Contractual Compliance 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 the provision of mandatory templates
- Provided input regarding the content of the notifications, meaning the requirements not to include irrelevant information (advertisements of other services), inclusion of instructions for the Registered Name Holder (RNH) to invalidate TAC, if the TAC was not requested by the RNH.

## Registrar and Registry Compliance Checks

In response to requests from the Global Domains and Strategy (GDS) team to verify that a contracted party is in good standing, a total of 1,535 registrars and five (5) TLDs went through compliance reviews during this reporting period.

## Annual Compliance Certification Review Efforts

A total of five (5) registrars still did not submit the Annual Registrar Compliance Certificate to ICANN for the 2020 calendar year. Compliance 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 verifying 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 Contractual Compliance is following up accordingly.

## Outreach

There were no outreach activities in August.

**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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