

Contractual Compliance Report

For the Period of 1 – 31 March 2022

Jamie Hedlund, Senior Vice President,
Contractual Compliance and U.S. Government Engagement



TABLE OF CONTENTS

AUDIT PROGRAM	3
CONTRACTUAL COMPLIANCE ENFORCEMENT	3
NOTICE OF BREACH	3
NOTICES OF SUSPENSION/TERMINATIONS	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	4
REGISTRATION DATA POLICY	4
REGISTRATION DATA ACCESS PROTOCOL (RDAP) IMPLEMENTATION	4
POLICY AND WORKING GROUP EFFORTS	5
REGISTRAR AND REGISTRY COMPLIANCE CHECKS	5
OUTREACH	5

OVERVIEW OF ACTIVITY

Audit Program

The Audit team completed planning the next Registry Compliance Audit (the audit was launched on 4 April 2022).

Contractual Compliance Enforcement

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

Notice of Breach

No new Notices of Breach were issued in March. ICANN Contractual Compliance continued working on reviewing and addressing responses from contracted parties (CPs) related to breach notices issued during prior months and not yet cured.

Notices of Suspension/Terminations

No new Notices of Suspension or Termination were issued in March. During this month, ICANN Contractual Compliance continued monitoring the progress of the ongoing suspensions issued during prior months.

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 March, Contractual Compliance received 1,240 new complaints (1,114 against registrars, and 126 against registry operators) and sent 284 inquiries and notices (collectively referred to as “compliance notifications”) to CPs. This number (284) refers to the first, second, and third 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 abuse and transfers. Most notifications sent to registry operators addressed obligations related to zone file access, monthly reports, and bulk registration data access. During the month of March, the Contractual Compliance team closed 1,184 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.

The March 2022 Monthly Dashboard is available here: [ICANN Contractual Compliance Dashboard for March 2022](#).

The New Trend Reporting is available here: [Contractual Compliance Twelve-Month Trends Reporting](#).

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

In March, the Contractual Compliance team continued to process Temporary Specification-related compliance inquiries. The team initiated seven new inquiries concerning third-party access to non-public registration data in the Registry Registration Data Directory Services (RDDS) (Section 4.1, Appendix A), and three 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 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, privacy, or proxy service data are redactions, or that all non-European data should be displayed, etc.).

In March, 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 and GDPR/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

In addition, Contractual Compliance:

- Attended informal Public Safety Working Group ICANN73 session to field questions concerning compliance enforcement of access to non-public Registration Data pursuant to Section 4.1, Appendix A of the Temporary Specification
- Prepared internal memorandum regarding Chinese Privacy law (PIPL) and impacts on compliance enforcement under Section 4.1, Appendix A of the Temporary Specification
- Conducted an outreach call with the registrar Tucows concerning its implementation of a fee structure to access non-public registration data via its Tiered Access Compliance and Operations system (TACO system)

Registration Data Access Protocol (RDAP) Implementation

In March, the Contractual Compliance team continued processing service-related compliance notifications for the Registration Data Access Protocol (RDAP). From October 2019 to March 2022, 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 three top-level domains (TLDs) and 109 registrars have not yet uploaded their URL to the Naming Services portal (NSp) or registered their URL with the Internet Assigned Numbers Authority (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:

- 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
- For the Generic Names Supporting Organization (GNSO) Transfer Policy Development Process (PDP) Working Group (WG) – Compliance provided input regarding reasons for denial of transfer requests, found in Sections I.A.3.7-3.8 of the Transfer Policy, and recommended to deliberate on abuse as a reason for denial, informed the WG about the issues CPs encounter with the language of Sections 3.7.3/3.10 and transfers after a domain expires, and provided input regarding the lock in Section 3.9.3. Additionally, UDRP subject matter experts provided responses to reports to Compliance from the World Intellectual Property Organization (WIPO) and input concerning WIPO's 2019 comments.
- Addressed the WG's question of 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 "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 CP is in good standing, a total of 12 registrars and three (3) TLDs went through compliance reviews during this reporting period.

Outreach

There were no outreach activities in March.

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