

Contractual Compliance Report

For the Period of 1 – 31 May 2023

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KEY HIGHLIGHTS FOR MAY 2023

- Completed audit of 15 registrars against the Registrar Accreditation Agreement (RAA) and Consensus Policies that was launched in November 2022
 - Auditees addressed the findings described in the initial reports received in March 2023 by resolving the detected deficiencies or providing a remediation plan
 - Contractual Compliance sent final reports to auditees and published a final report summarizing the results of the audit round
- Received 1,554 new complaints and forwarded more than 373 notifications to contracted parties (CPs) during investigations into compliance with numerous requirements across ICANN policies and agreements

OVERVIEW OF ACTIVITY

Audit Program

Last November, the Compliance Audit team launched a new audit round focused on registrar obligations under the Registrar Accreditation Agreement (RAA) and Consensus Policies. Fifteen registrars received requests for information in December. Responses from all auditees were received during January 2023 and reviewed during February 2023.

After reviewing responses received from all auditees, fifteen initial audit reports containing audit findings were sent on 21 March 2023. All auditees addressed the findings from their initial audit reports by either resolving their findings or providing a remediation plan detailing how the findings will be resolved. Compliance then provided final audit reports to each auditee and will follow up with those who were unable to resolve all findings prior to the completion of the audit to ensure that they have completed the required remediation within the mutually agreed timelines.

A final audit report summarizing the overall results of the audit round was [published](#) 22 June 2023.

The Compliance Audit team continued to monitor remediation of issues identified in the most recent registry audit. At the end of May, 19 of 21 issues were remediated after the audit closed.

Contractual Compliance Enforcement

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

Notices of Breach

On 1 May 2023, ICANN sent a [Notice of Breach](#) to the registrar Nimzo 98, LLC. The breach was a result of the failure of the registrar to:

- Escrow generic top-level domain (gTLD) registration data, as required by Section 3.6 of the RAA
- Provide an interactive webpage WHOIS service, as required by Section 3.3.1 of the RAA
- Pay past due accreditation fees, as required by Section 3.9 of the RAA.

Notices of Suspension/Terminations

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

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 May, Contractual Compliance received 1,554 new complaints (1,405 against registrars and 149 against registry operators) and sent 373 inquiries and notices (collectively, referred to as “compliance notifications”) to CPs. This number (373) 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, registration data inaccuracy, and transfer (i.e., registrar issues with no dedicated complaint form). Most notifications sent to registry operators addressed obligations related to monthly reports, code of conduct and zone file access. During the month of May, the Contractual Compliance team closed 1,374 complaints without having to contact a CP.

Examples of complaints closed without contacting a 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 May 2023:

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

Enforcement of the Temporary Specification for Generic Top-Level Domain (gTLD) Registration Data via the Interim Registration Data Policy

In May, the Contractual Compliance team continued to process Temporary Specification-related compliance inquiries. The team initiated six new inquiries concerning reasonable access to nonpublic registration data (Section 4.1, Appendix A), one new inquiry concerning consent to display registration data (Section 7.2), and two new inquiries concerning display requirements of Registration Data (Section 2, Appendix A); and the Contractual Compliance team continued addressing previously submitted cases currently under remediation or pending further responses and collaborations. The team also continued educating complainants on Temporary Specification requirements for out-of-scope or invalid complaints. Examples of this are when complainants believe registration data redacted per the Temporary Specification is “missing” from the public WHOIS, or privacy, or proxy service data are redactions, or that all non-European data should be displayed, etc.

In May, the Contractual Compliance team continued:

- Providing contractual compliance input for implementation of the Expedited Policy Development Process (EPDP) on the Temporary Specification Phase 1 recommendations
- Attending Board Caucus calls concerning EPDP and the European Union’s General Data Protection Regulation, and 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.

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- Providing input on contractual requirements for third-party access to nonpublic Registration Data under current requirements and future policy recommendations, as it relates to the design and development of the Registration Data Request Service (RDRS).

Registration Data Access Protocol (RDAP) Implementation

In May, the Contractual Compliance team continued processing service-related compliance notifications for the Registration Data Access Protocol (RDAP). From October 2019 to May 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 (TLDs) are compliant, while 45 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 internationalized domain names (IDN)-EPDP
- 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 (WG) questions raised during the review of Transfer Policy Review - Phase 2 topics (Transfer Emergency Action Contact/ Transfer Dispute Resolution Policy / transfer reversal).

Outreach

There were no outreach activities conducted in May 2023.

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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