

# Contractual Compliance Report

For the Period of 1–31 October 2023

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ICANN

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## KEY HIGHLIGHTS FOR OCTOBER 2023

- Continued reviewing responses/documentation submitted by registry operators (ROs) in response to Requests for Information (RFIs) that were sent in August as part of the current Registry Audit.
- Received 1,880 new complaints and forwarded more than 293 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
- Participated in ICANN's 78th Public Meeting (ICANN78) in Hamburg, Germany. Members of the Contractual Compliance team had numerous in-person meetings with the community to address questions related to contractual obligations and the contractual compliance process. The team also conducted a [webinar](#) summarizing compliance initiatives and enforcement actions during the pre-ICANN78 Prep Week.
- Participated in an outreach session with Turkish registrars in Türkiye.

## OVERVIEW OF ACTIVITY

### Audit Program

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

All 19 ROs under audit have submitted audit responses/documentation in response to RFIs, which were sent in August 2023.

In October, the Audit team was reviewing ROs audit responses or documentation. Once completely reviewed, Contractual 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 17 October 2023, ICANN issued a third 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 Registry-Registrar Agreement (RAA)
- Remove the "ClientTransferProhibited" status from domain names upon registrant's request, as required by Section I.A.5 of the Transfer Policy

An additional concern related to the registrar's failure to provide a web-based WHOIS service for all gTLD names sponsored by the registrar, as required by Section 3.3.9 of the RAA. This Notice also stated that the two prior Notices of Breach, issued on 20 September 2023 and 29 September 2023, remained uncured.

The deadline for the third [Notice of Breach](#) to provide all records and information and take action to become compliant was 7 November 2023.

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Additionally, during the month of October, the Contractual Compliance team continued working on previously issued Notices of Breach, reviewing responses and records, and following up with CPs.

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

No new suspension or termination notices were issued in October 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 October, Contractual Compliance received 1,880 new complaints (1,791 against registrars and 89 against ROs) and sent 293 inquiries and notices (collectively, referred to as “compliance notifications”) to CPs. The number 293 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 registration data inaccuracy (i.e., registrar issues with no dedicated complaint form). Most notifications sent to ROs addressed obligations related to registry data escrow, zone file access, and monthly reports. During October, the Contractual Compliance team closed 1,761 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
- 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 Contractual 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 October 2023:

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

### **Registration Data Access Protocol (RDAP) Implementation**

In October, the Contractual Compliance team continued processing service-related compliance notifications for the RDAP. From October 2019 to October 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

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Compliance team has received no third-party complaints concerning RDAP. There has been no indication that any registrars or ROs 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 (EPDP) on Internationalized Domain Names
- 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.g., ICANN-approved transfers)

### **Outreach**

#### **ICANN78 Prep Week Webinar**

On 9 October, during the ICANN78 Prep Week, Contractual Compliance hosted a [webinar](#) and delivered a comprehensive update on its activities since ICANN77. The team provided insights into recent developments, audits, and enforcement efforts.

#### **ICANN78 RrSG & ICANN Compliance Session**

Members of the Contractual Compliance team attended the ICANN78 Annual General Meeting in Hamburg, Germany, from 21–26 October. On Tuesday, 24 October, they conducted a closed session with members of the Registrar Stakeholder Group (RrSG).

In addition, during the ICANN78 meeting, the team attended various cross-community and high-interest sessions, Generic Name Supporting Organization sessions, Government Advisory Committee sessions, and Registrar and Registry Stakeholder sessions. The Compliance team also conducted one-on-one meetings with ICANN CPs upon request and other community members. ICANN78 session details are available on the [ICANN meeting schedule webpage](#).

#### **Brunch with Turkish Registrars**

On Tuesday, 31 October, members of the Contractual Compliance team attended a brunch with Turkish registrars. Fifteen people, representing nine accredited registrars in Türkiye, attended the event. It was conducted in Turkish. The Contractual Compliance team shared the key topics from ICANN78, focusing on Domain Name System abuse contract amendments, highlighting the importance of voting to support these amendments, and providing further clarifications on why proposed changes matter for the industry. The Contractual Compliance team shared information about the Registration Data Request Service, its benefits, functionality, and how the platform will benefit registrars, registration data access requesters, and other stakeholders. They also discussed the DENIC transition plan, explaining the process for registrars, and providing guidance on how to address challenges during the transition.

After the brunch, registrars requested one-on-one meetings in which the Contractual Compliance team provided clarifications on topics such as understanding the audit process, abuse, and Uniform Domain Name Dispute Resolution Policy processes.



**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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