

Contractual Compliance Report

For the period of 1 – 30 November 2021

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OVERVIEW OF ACTIVITY

Audit Program

The Audit team is currently planning the next audit program that will tentatively include approximately 30-35 registry operators.

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

Notice of Breach

No breach notices in November. The ICANN organization (org) Contractual Compliance team continued working on communications and next steps involving the [Notice of Breach](#) sent to the registrar Alice's Registry, Inc., on 11 October 2021, for which extensions to the cure date were granted throughout November.

Notices of Suspension/Terminations

No suspensions or terminations in November.

Enforcement Notices Escalated to the ICANN Legal Team (mediation)

No escalations to the ICANN org Legal team.

Compliance Matters Related to Registrars and Registry Operators

In November, the Contractual Compliance team received 915 new complaints (826 against registrars, and 89 against registry operators), and sent 330 inquiries and notices (collectively referred to as *compliance notifications*) to contracted parties. This number (330) refers to 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 registration data inaccuracy, abuse, and transfers. Most notifications sent to registry operators addressed obligations related to zone file access and monthly reports. During the month of November, the Contractual Compliance team closed 645 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 org 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 Contractual Compliance team educated complainants on ICANN's authority and provided alternatives where appropriate.

The November 2021 Monthly Dashboard is available here: [ICANN Contractual Compliance Dashboard for November 2021](#).

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

In November, the Contractual Compliance team continued to process Temporary Specification-related compliance inquiries. We initiated four new inquiries concerning third-party access to nonpublic registration data in the Registry Registration Data Directory Services (RDDS) (Section 4.1, Appendix A), one new inquiry concerning provision of registration data to a Uniform Domain Name Dispute Resolution Policy (UDRP) provider (Section 1.1, Appendix E), and one new inquiry 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 response and collaboration. 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 public WHOIS, privacy, or proxy service data are redactions, or that all non-European data should be displayed, etc.).

In November, 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 ICANN Board Caucus calls concerning EPDP Phase 2 recommendations.
- Providing metrics related to complaints related to alleged violations of the Temporary Specification and compliance notices or inquiries sent and closed during the month.

Registration Data Access Protocol (RDAP) Implementation

In November, the Contractual Compliance team continued processing service-related compliance notifications for the Registration Data Access Protocol (RDAP). From October 2019 to November 2021, the Contractual Compliance team has 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 59 registrars have not yet uploaded their URL to the Naming Services portal (NSp) or registered their URL with the Internet Assigned Numbers Authority (IANA), respectively. The Contractual Compliance team continues to collaborate with these contracted parties that have not yet implemented 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, 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 ICANN org Global Domains 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.
- GNSO Policy Development Process (PDP) to Review the Transfer Policy Working Group (WG) – 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 *Transfer Authorization Code (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 contracted party is in good standing, a total of 27 registrars and 3 TLDs went through compliance reviews during this reporting period.

Outreach

No outreach activity for November.

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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