

# Contractual Compliance Report

For the Period of 1 – 30 November 2023

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## KEY HIGHLIGHTS FOR NOVEMBER 2023

- Continued reviewing responses or documentation submitted by, and communicating findings to, registry operators (ROs) as part of the current Registry Audit.
- Received 1,261 new complaints and forwarded more than 272 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.

## OVERVIEW OF ACTIVITY

### Audit Program

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

All 19 ROs selected for audit submitted their documentation in response to RFIs (Requests For Information), which were sent in August 2023. All audit data was received from September to November 2023, and the Audit team followed up with auditees on findings (when applicable).

The audit was completed on 11 December, and the consolidated audit report is being drafted for publication.

### Contractual Compliance Enforcement

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

### Notices of Breach

No new notices of breach were issued in November 2023. The Compliance team continued working on the review of records and information related to breach notices issued in the prior months.

### Notices of Suspension/Terminations

On 9 November 2023, ICANN sent a Notice of Termination to the registrar OpenTLD B.V. The termination resulted from OpenTLD's failure to cure repeated and consistent breaches of the Registrar Accreditation Agreement. In particular, OpenTLD's:

- Failure to cure the breaches set forth in ICANN's 20 September 2023 Notice of Breach by the 11 October 2023 deadline;
- Failure to cure the breaches set forth in ICANN's 29 September 2023 Notice of Breach by the 20 October 2023 deadline; and
- Failure to cure the breaches set forth in ICANN's 17 October 2023 Notice of Breach by the 7 November 2023 deadline.

The termination became effective on 25 November 2023. To protect domain name registrants, ICANN initiated the De-Accredited Registrar Transition Procedure to transition the domain names managed by OpenTLD B.V. to a qualified ICANN-accredited registrar.

### Enforcement Notices Escalated to the ICANN Legal Team (Mediation)

No escalations were received by the ICANN Legal team.

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## Compliance Matters Related to Registrars and Registry Operators

In November, Contractual Compliance received 1,261 new complaints (1,211 against registrars and 50 against ROs) and sent 272 inquiries and notices (collectively, referred to as “compliance notifications”) to CPs. The number 272 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 November, the Contractual Compliance team closed 946 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 November 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 November, the Contractual Compliance team continued to process compliance inquiries related to the Temporary Specification. The team initiated one new inquiry concerning reasonable access to non-public registration data (Section 4.1, Appendix A). In addition, 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 November, 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 concerning 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 non-public 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 November, the Contractual Compliance team continued processing service-related compliance notifications for the RDAP. From October 2019 to November 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 187 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 on their open compliance cases regarding their progress towards remediation. To date, the Contractual Compliance team has received no third-party complaints concerning RDAP. There is 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:

- Significantly contributed to preparation of board paper and related materials on outstanding RDS-WHOIS2 recommendations for Board consideration
- 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 the 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 – Group 1(b) topics relating to Change of Registrant

### **Outreach**

The Compliance team did not participate in any outreach activities during November 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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