

Contractual Compliance Report

For the Period of 1 – 31 August 2022

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KEY HIGHLIGHTS FOR JULY 2022

- Completed the New Generic Top-Level Domain (gTLD) ICANN Contractual Compliance Audit launched in April 2022
 - By the end of August 2022, all auditees (28 gTLD registry operators), had either resolved all findings or were in the process of implementing remedial and preventive measures. The consolidated public report and a related blog will be published before ICANN75. The Contractual Compliance team received 3,490 new complaints and forwarded more than 493 notifications to contracted parties (CPs) during investigations into compliance with numerous requirements across ICANN policies and agreements.
- Continued providing input and data related to policy and working groups efforts
- Provided additional input, including enforcement and enforceability, regarding certain recommendations contained in the [Initial Report on the Transfer Policy Review Policy Development Process - Phase 1\(a\)](#)

OVERVIEW OF ACTIVITY

Audit Program

ICANN Contractual Compliance completed its audit of selected gTLD registry operators ("registries") with the terms of the Registry Agreement and ICANN temporary and consensus policies. The consolidated public report and the blog on this subject will be published in September, prior to ICANN75.

By the end of August, all registries either resolved their findings or are in the process of implementing necessary changes to prevent the instances of non-compliance from recurring in the future. Auditees provided mutually agreed estimated timeframes to complete remediation. Failure to remediate a deficiency will result in additional enforcement actions.

Contractual Compliance Enforcement

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

Notice of Breach

During August 2022, ICANN did not issue any new Notices of Breach. The Contractual Compliance team continued to review and follow up, as appropriate, on communications with the relevant CPs pertaining to Notices of Breach issued in prior months.

Notices of Suspension/Terminations

No suspension or termination notices were issued in August 2022.

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 August, Contractual Compliance received 3,490 new complaints (2,224 against registrars and 1,266 against registry operators) and sent 493 inquiries and notices (collectively, referred to as "compliance notifications") to CPs. This number (493) 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, registration data inaccuracy and transfers. Most notifications sent to registry operators addressed obligations related to zone file access, registry data escrow and monthly reports. During the month of August, the Contractual Compliance team closed 1,216 complaints without contacting CPs.

Examples of complaints closed without contacting CPs 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 cases, the Compliance team educated complainants on ICANN’s authority and provided alternatives where appropriate.

Compliance Monthly Dashboard and Trend Reporting

- The August 2022 Dashboard is available here: [Contractual Compliance 2022 Monthly Dashboards](#)
- 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 August, the Contractual Compliance team continued to process Temporary Specification-related compliance inquiries. The team initiated one new inquiry concerning reasonable access to nonpublic registration data (Section 4.1, Appendix A), one new inquiry concerning consent to display registration data in the Registration Data Directory Services (Section 7.2) and 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 August, 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

Registration Data Access Protocol (RDAP) Implementation

In August, the Contractual Compliance team continued processing service-related compliance notifications for the Registration Data Access Protocol (RDAP). From October 2019 to August 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 two top-level domains (TLDs) and 119 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
- As part of the public comment process, the Contractual Compliance team provided additional inputs, including enforcement and enforceability, regarding the working group's (WG) preliminary recommendations contained in the Initial Report on the Transfer Policy Review – Phase 1(a)
 - Specifically, the Contractual Compliance team provided further inputs and rationales concerning additional elements required to be included in the “Notification of Transfer Authorization Code (TAC) Provision” and “Notification of Transfer Completion” (Recommendations 3 and 4) and definition of “Designated representative” (Recommendation 6 and Footnote 14). The team also recommended that the policy should include requirements related to the maintenance and provision to ICANN (upon reasonable notice) of records related to when/how/to whom the TAC was provided, regardless of the means the registrar chooses to provide the TAC (WG’s Response to Charter Question a8).
- Worked with GDS on implementation efforts for the Competition, Consumer Trust and Consumer Choice Recommendation 21 item 2, which calls for publication of TLDs that are subject to abuse in complaints received by the Contractual Compliance team
 - While ICANN org already collects the data requested in item 2 of the recommendation, the release of data regarding TLDs subject to abuse cannot be executed on without explicit agreement and consent from registry operators and the Registries Stakeholder Group to publish gTLDs subject to abuse.

Registry Compliance Checks

There were no new registry compliance checks for August 2022.

Outreach

There was no new outreach activities for August 2022.

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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