

Contractual Compliance Report

For the period of 1 – 31 December 2021

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OVERVIEW OF ACTIVITY

Audit Program

The Audit team is currently planning the next audit program.

Contractual Compliance Enforcement

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

Notice of Breach

On 22 December 2021, ICANN sent a [Notice of Breach](#) to the registrar Threadagent.com, Inc. The breach was a result of the failure of the registrar to:

- 1) Timely implement the World Intellectual Property Organization (WIPO) Uniform Domain Name Dispute Policy (UDRP) Decision No. D2021-1573.
- 2) Provide to ICANN and maintain accurate and current information as specified in the Registrar Information Specification of the Registrar Accreditation Agreement (RAA);
- 3) Provide a web-based WHOIS service giving free public query-based access to up-to-date data concerning all active registered names sponsored for each generic top-level domain (gTLD) in which it is accredited;
- 4) Provide escrow gTLD registration data.

The deadline to cure was 12 January 2022. The registrar failed to fully cure the Notice of Breach and, as a result, a Notice of Suspension of its accreditation with ICANN was issued on 13 January 2022.

Notices of Suspension/Terminations

On 22 December 2021, ICANN sent a [Notice of Suspension](#) to the registrar Alice's Registry, Inc. due to the registrar's failure to fully cure the 11 October 2021 [Notice of Breach](#). The suspension became effective on 7 January 2022 and will conclude on 7 April 2022 if the registrar cures the remaining RAA violations on or before 17 March 2022. During the 90-day suspension period, the registrar will be unable to create new registered names or initiate inbound transfers. Escalated compliance action (including RAA termination) may occur if the registrar fails to fully cure the remaining RAA violations by the 17 March 2022 deadline or if ICANN receives additional information demonstrating that Alice's Registry continues to violate the RAA or Consensus Policies, during or after the suspension period ends.

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 December, Contractual Compliance received 891 new complaints (827 against registrars and 64 against registry operators) and sent 226 inquiries and notices (collectively referred to as "compliance notifications") to contracted parties. The number 226 refers to the 1st, 2nd, and 3rd compliance notifications sent and does not include 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 December, the Contractual Compliance team closed 437 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 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.

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

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

In December, the Contractual Compliance team continued to process Temporary Specification-related compliance inquiries. We initiated three new inquiries concerning third-party access to non-public registration data in the Registry Registration Data Directory Services (RDDS) (Section 4.1, Appendix A), one new inquiry concerning registrant consent to display personal registration data in the RDDS (Section 7.2), and two new inquiries 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 the public WHOIS, or privacy concerns, or proxy service data are redactions, or that all non-European data should be displayed, etc.).

In December, 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
- Providing metrics related to complaints related to alleged violations of the Temporary Specification and compliance notices or inquiries sent and closed during the month
- Working on implementing Competition, Consumer Trust, and Consumer Choice (CCT) Review recommendations.

Registration Data Access Protocol (RDAP) Implementation

In December, the Contractual Compliance team continued processing service-related compliance notifications for the Registration Data Access Protocol (RDAP). From October 2019 to December 2021, 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 3 top-level domains (TLDs) and 65 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 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 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
- The GNSO Transfer PDP Working Group (WG) addressed the 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 12 registrars and 3 TLDs went through compliance reviews during this reporting period.

Outreach

There were no events in December.

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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