

# Contractual Compliance Report

For the Period of 1 – 31 December 2022

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## KEY HIGHLIGHTS FOR DECEMBER 2022

- Launched a new audit round focused on registrar obligations under the Registrar Accreditation Agreement and Consensus Policies
  - The remediation of issues detected during the recently completed Registry Audit continued to be monitored during this month
- Received 929 new complaints and forwarded more than 148 notifications to contracted parties (CPs) during investigations into compliance with numerous requirements across Internet Corporation for Assigned Names and Numbers (ICANN) policies and agreements
- Continued providing contractual compliance input to different policy and working groups

## OVERVIEW OF ACTIVITY

### Audit Program

The Compliance Audit team launched a new audit round focused on registrar obligations under the Registrar Accreditation Agreement and Consensus Policies. Fifteen requests for information were sent on 12 December 2022. Responses are expected in January 2023.

The Compliance Audit team continued to monitor remediation of issues identified in a recently completed Registry Audit. Fifteen of twenty-one issues have been remediated since the audit closed.

### Contractual Compliance Enforcement

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

### Notices of Breach

There were no new breaches issued in December 2022. During this month, the Contractual Compliance team continued working on previously issued notices of breach. This included monitoring the development of measures taken to cure violations, informing complainants and following up with CPs.

### Notices of Suspension/Terminations

No new suspension or termination notices were issued in December 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 December, Contractual Compliance received 929 new complaints (886 against registrars, and 43 against registry operators) and sent 148 inquiries and notices (collectively referred to as “compliance notifications”) to CPs. This number (148) refers to the first, second, and third compliance notifications. It does not account for notifications sent to request clarification or additional evidence following a CP’s response.

Most of the notifications sent to registrars addressed obligations related to abuses, transfers, and domain renewals/redemptions. Most notifications sent to registry operators addressed obligations related to monthly reports, zone file access, and bulk registration data access. During the month of December, the Contractual Compliance team closed 350 complaints without contacting the CP.

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Examples of complaints closed without contacting the 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 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 December 2022:

- [Contractual Compliance 2022 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 December, 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 two new notices concerning access to registration data involving Uniform Domain-Name Dispute-Resolution Policy Providers (Section 1.1, Appendix E) 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 December, the Contractual Compliance team continued:

- Providing contractual compliance input for the implementation of the General Data Protection Regulation (GDPR) and the Expedited Policy Development Process (EPDP) Phase 1 recommendations
- 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 December, the Contractual Compliance team continued processing service-related compliance notifications for the Registration Data Access Protocol (RDAP). From October 2019 to December 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 six top-level domains (TLDs) and 215 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

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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 team on assessing the multiple recommendations produced by review teams. The following activities took place:

- Participated in the ICANN organization feedback group tasked with reviewing the first batch of stable recommendations for the Internationalized Domain Names EPDP.
- Continued providing contractual compliance input for the 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 (WG) questions raised during the WG's review of Public Comments received for the Initial Report on Transfer Policy Review – Phase 1(a).

### **Outreach**

There were no outreach activities in December 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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