

Contractual Compliance Report

For the Period of 1 – 31 May 2022

Jamie Hedlund, Senior Vice President,
Contractual Compliance and U.S. Government Engagement



ICANN

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OVERVIEW OF ACTIVITY

Audit Program

In May, the Compliance Audit team received auditee responses, as well as some data from DEAs needed for audit. Some responses are incomplete or unclear. Compliance is following up with auditees.

Contractual Compliance Enforcement

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

Notice of Breach

On 5 May 2022, the Internet Corporation for Assigned Names and Numbers (ICANN) sent a Notice of Breach to the registrar Innovadeus Pvt. Ltd. The breach was a result of the failure of the registrar to timely pay past due accreditation fees, as required by Section 3.9 of the Registrar Accreditation Agreement (RAA). The breach also included the registrar's failure to display certain mandatory information on its website and include it in its registration agreement. The deadline to cure was 26 May 2022.

On 6 May 2022, ICANN sent a Notice of Breach to the registrar Tecnología, Desarrollo Y Mercado S. de R.L. de C.V. (TDM). The breach was a result of the failure of the registrar to provide records related to an abuse report, as required by Section 3.18.3 of the RAA. By not providing these records, the registrar failed to demonstrate that TDM investigated and responded appropriately to the report of abuse. The registrar also failed to demonstrate having implemented a Registration Data Access Protocol (RDAP) service. Certain mandatory renewal-related information was also missing from TDM's website. The deadline to cure was 27 May 2022.

During May 2022, ICANN Contractual Compliance continued to review and follow up, as appropriate, on communications with the relevant contracted parties pertaining to Notices of Breach issued in prior months, including the 29 April 2022, [Notice of Breach](#) sent to the registry Joint Stock Company "Navigation-information systems", and the 28 April 2022 Notices of Breach sent to the registrar [Domainia Inc.](#) and the registrar [Intracom Middle East FZE](#), respectively.

Notices of Suspension/Terminations

ICANN Contractual Compliance did not issue any new Suspension Notices during May 2022; however, the team continued working with the registrar Threadagent.com, Inc. whose suspension period had been extended until 31 May 2022. The registrar cured all remaining violations and the suspension was lifted on 31 May 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 May, Contractual Compliance received 856 new complaints (776 against registrars, and 80 against registry operators) and sent 314 inquiries and notices (collectively referred to as "compliance notifications") to contracted parties (CPs). This number (314) 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 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, monthly reports and code of conduct. During the month of May, the Contractual Compliance team closed 699 complaints without contacting the CP.

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 (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 May 2022 Monthly 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 May, the Contractual Compliance team continued to process Temporary Specification-related compliance inquiries. The team initiated one new inquiry concerning the display of registration data in the RDDS (Sections 2.2-2.6 Appendix A) and continued addressing previously submitted cases currently under remediation or pending further responses and collaborations. The Contractual Compliance team 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 May, 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

In addition, Contractual Compliance:

- Prepared a draft advisory concerning the Chinese Personal Information Protection Law (PIPL) and its impact on compliance enforcement under Section 4.1, Appendix A of the Temporary Specification.
- Prepared a new template to address issues concerning application of Privacy and Proxy Services, as it relates to access to nonpublic registration data

Registration Data Access Protocol (RDAP) Implementation

In May, the Contractual Compliance team continued processing service-related compliance notifications for the RDAP. From October 2019 to May 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 110 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
- For the Generic Names Supporting Organization (GNSO) Transfer Policy Development Process (PDP) Working Group (WG) the Contractual Compliance team:
 - Provided input regarding reasons for denial of transfer requests, found in Sections I.A.3.7-3.8 of the Transfer Policy
 - Recommended to deliberate on abuse as a reason for the denial
 - Informed the GNSO PDP WG about the issues CPs encounter with the language of Sections 3.7.3/3.10 and transfers after a domain expires
 - Provided input regarding the lock in Section 3.9.3.
 - Subject matter experts on Uniform Domain-Name Dispute-Resolution Policy (UDRP) provided responses to reports to Compliance from the World Intellectual Property Organization (WIPO) and input concerning WIPO's 2019 comments
 - Addressed the GNSO PDP 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 "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

Registrar Compliance checks are no longer fulfilled by the Compliance team. There were no updates for Registry Compliance checks in May.

Outreach

There were no outreach activities in May.

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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