

# Contractual Compliance Report

For the Period of 1 – 28 February 2022

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## OVERVIEW OF ACTIVITY

### Audit Program

The Audit team is currently planning the next Registry Compliance Audit.

### Contractual Compliance Enforcement

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

### Notice of Breach

On 18 February 2022, ICANN sent a [Notice of Breach](#) to the registrar DomainName Highway LLC. The breach was a result of the failure of the registrar to:

1. Timely implement the Forum Uniform Domain Name Resolution Policy (UDRP) Administrative Panel's decision Case Number FA2111001973719
2. 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
3. Provide to ICANN and maintain accurate and current information as specified in the Registrar Information Specification of the Registrar Accreditation Agreement (RAA)
4. Display on its website a description of the methods used to deliver pre- and post-expiration notifications, as required by Section 4.2 of the Expired Registration Recovery Policy (ERRP)
5. Display its deletion and auto-renewal policies on DomainName Highway's website, as required by Section 3.7.5.5 of the RAA

The deadline to cure was 11 March 2022.

### Notices of Suspension/Terminations

On 7 February 2022, ICANN sent a [Notice of Termination](#) to the registrar TOGLODO, S.A. due to the registrar's failure to cure the [Notice of Breach](#) issued on 10 January 2022 by the 31 January 2022 deadline. To protect domain name registrants, ICANN followed the De-Accredited Registrar Transition Procedure to transition the domain names managed by TOGLODO S.A. to a qualified ICANN-accredited registrar. This registrar was Imperial Solutions, Inc. as indicated in ICANN's [Bulk Transfers webpage](#).

### 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 February, Contractual Compliance received 2,058 new complaints (1,925 against registrars, and 133 against registry operators) and sent 245 inquiries and notices (collectively referred to as "compliance notifications") to contracted parties. This number (245) 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 registration data inaccuracy, abuse, and transfers. Most notifications sent to registry operators addressed obligations related to zone file access, bulk registration data access, and monthly reports. During the month of February, the Contractual Compliance team closed 1,611 complaints without contacting the contracted party.

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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 February 2022 Monthly Dashboard is available here: [ICANN Contractual Compliance Dashboard for February 2022](#).

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

In February, 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), 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 public WHOIS, privacy, or proxy service data are redactions, or that all non-European data should be displayed, etc.).

In February, 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

In addition, Contractual Compliance:

- Prepared updated content for the “Hot Topics” messaging brief related to complaints about third-party access to non-public registration data in the RDDS (Section 4.1, Appendix A)
- Prepared “Disclosure of gTLD Registration Data Metrics” and provided the data to the community during the ICANN-73 Prep Week webinar, “Compliance Program Update”

### **Registration Data Access Protocol (RDAP) Implementation**

In February, the Contractual Compliance team continued processing service-related compliance notifications for the Registration Data Access Protocol (RDAP). From October 2019 to February 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 three top-level domains (TLDs) and 108 registrars have not yet uploaded their URL to the Naming Services portal (NSp) or registered their URL

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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
- For the Generic Names Supporting Organization (GNSO) Transfer Policy Development Process (PDP) Working Group (WG) – Compliance provided input regarding reasons for denial of transfer requests, found in Sections I.A.3.7-3.8 of the Transfer Policy, and recommended to deliberate on abuse as a reason for denial, informed the WG about the issues contracted parties (CPs) encounter with the language of Sections 3.7.3/3.10 and transfers after a domain expires, and provided input regarding the lock in Section 3.9.3. Additionally, UDRP subject matter experts provided responses to reports to Compliance from the World Intellectual Property Organization (WIPO) and input concerning WIPO's 2019 comments.
- Addressed the 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**

In response to requests from the GDS team to verify that a contracted party is in good standing, a total of 12 registrars and three (3) TLDs went through compliance reviews during this reporting period.

### **Outreach**

Contractual Compliance participated in the ICANN73 Prep Week by hosting a [webinar](#) on 23 February 2022 and presenting an update regarding its enforcement and reporting activities since ICANN72.

**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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