

Contractual Compliance Report

For the Period of 1 – 28 February 2023

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TABLE OF CONTENTS

KEY HIGHLIGHTS FOR FEBRUARY 2023	3
OVERVIEW OF ACTIVITY	3
AUDIT PROGRAM	3
CONTRACTUAL COMPLIANCE ENFORCEMENT	3
NOTICES OF BREACH	3
NOTICES OF SUSPENSION/TERMINATIONS	3
ENFORCEMENT NOTICES ESCALATED TO THE ICANN LEGAL TEAM (MEDIATION)	3
COMPLIANCE MATTERS RELATED TO REGISTRARS AND REGISTRY OPERATORS	3
COMPLIANCE MONTHLY DASHBOARD AND TREND REPORTING	4
• CONTRACTUAL COMPLIANCE 2022 MONTHLY DASHBOARDS	4
• CONTRACTUAL COMPLIANCE TWELVE-MONTH TRENDS REPORTING.	4
ENFORCEMENT OF THE TEMPORARY SPECIFICATION FOR GENERIC TOP-LEVEL DOMAIN (GTLD) REGISTRATION DATA VIA THE INTERIM REGISTRATION DATA POLICY	4
REGISTRATION DATA ACCESS PROTOCOL (RDAP) IMPLEMENTATION	4
POLICY AND WORKING GROUP EFFORTS	5
OUTREACH	5

KEY HIGHLIGHTS FOR FEBRUARY 2023

- Continued reviewing the records and information provided by the 15 auditees included in the Internet Corporation for Assigned Names and Numbers (ICANN) Contractual Compliance audit with the Registrar Accreditation Agreement and Consensus Policies which was launched in November 2022.
- Received 964 new complaints and forwarded more than 249 notifications to contracted parties (CP) during investigations into compliance with numerous requirements across ICANN policies and agreements
- Continued providing contractual compliance input to different policy and working groups
- Presented a [webinar](#) with updates on enforcement actions conducted in 2022 during the pre-ICANN 76 prep week

OVERVIEW OF ACTIVITY

Audit Program

The Compliance Audit team launched a new audit round focused on registrar obligations under the Registrar Accreditation Agreement (RAA) and Consensus Policies. Fifteen requests for Information were sent on 12 December. Responses from all auditees were received during January 2023 and reviewed during February 2023. The Audit team will send initial audit reports to auditees at the conclusion of ICANN76.

The Compliance Audit team continued to monitor remediation of issues identified in a recently completed registry audit. At the end of January, 19 of 21 issues were remediated after the audit closed.

Contractual Compliance Enforcement

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

Notices of Breach

There were no new breaches issued in February 2023. During this month, the Contractual Compliance team continued working on previously issued notices of breach, including 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 February 2023.

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 964 new complaints (895 against registrars and 69 against registry operators) and sent 249 inquiries and notices (collectively, referred to as “compliance notifications”) to CPs. This number (249) 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 generic registrar (i.e., registrar issues with no dedicated complaint form). Most notifications sent to registry operators addressed obligations related to monthly reports,

zone file access, and generic registry data access. During the month of February, the Contractual Compliance team closed 725 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
- 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 February 2023:

- [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 February, the Contractual Compliance team continued to process Temporary Specification-related compliance inquiries. The team initiated three new inquiries concerning reasonable access to nonpublic registration data (Section 4.1, Appendix A), one new inquiry concerning display of registration data in the Registration Data Directory Service (RDDS) (Section 2, Appendix A), 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. Examples of this are when complainants believe registration data redacted per the Temporary Specification is “missing” from the public WHOIS, or 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 Expedited Policy Development Process (EPDP) on the Temporary Specification Phase 1 recommendations
- Attending Board Caucus calls concerning EPDP and the European Union’s General Data Protection Regulation, and 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, the Contractual Compliance team provided updated metrics related to third-party access complaints during the ICANN76 prep-week 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 2023, 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 all TLDs are compliant, while 41 registrars have not

yet uploaded their URL to the Naming Services portal. 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:

- Participated in the ICANN organization's feedback group tasked with reviewing the first batch of stable recommendations for internationalized domain names (IDN)-EPDP
- Continued providing contractual compliance input for implementation of the EPDP on the Temporary Specification for gTLD Registration Data Phase 1 recommendations
- Continued providing contractual compliance input on SSR2 Review Team recommendations
- Participated in the ICANN Organization Subject Matter Expert working group tasked with reviewing the proposed update to section I.A.3.7.1 of the Transfer Policy; provided feedback and assisted in drafting the suggested language and rationale for the Transfer Policy reason for denial due to involvement in abusive activities
 - Presented Compliance metrics and clarifications concerning Transfer Emergency Action Contact, Registrar Transfer Dispute Resolution Policy, and bulk transfer complaints to the working group as part of review of Transfer Policy Review - Phase 2 topics

Outreach

On 28 February 2023, ICANN Contractual Compliance presented a [program update](#) on numerous enforcement activities conducted in 2022 during the pre-ICANN 76 prep week.

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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