

Contractual Compliance Report

For the Period of 1 – 30 April 2022

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OVERVIEW OF ACTIVITY

Audit Program

The Compliance Audit team launched a new round of Registry audits on 4 April 2022 and is currently collecting auditee responses. During April, 28 Registry operators were in scope.

Contractual Compliance Enforcement

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

Notice of Breach

ICANN Contractual Compliance issued three Notices of Breach in April, two to registrars - for Registrar Accreditation Agreement (RAA) violations - and one to a registry operator due to violations of its Registry Agreement (RA).

On 28 April 2022, ICANN sent a [Notice of Breach](#) to the registrar Domainia Inc. 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 RAA. The deadline to cure was 19 May 2022.

On 28 April 2022, ICANN sent a [Notice of Breach](#) to the registrar Intracom Middle East FZE. The breach was a result of the failure of the registrar to (1) escrow generic top-level domain registration data, as required by Section 3.6 of the RAA; and (2) timely pay past due accreditation fees, as required by Section 3.9 of the RAA. The registrar also failed to demonstrate having implemented a Registration Data Access Protocol (RDAP) service. The deadline to cure was 19 May 2022.

On 29 April 2022, ICANN sent a [Notice of Breach](#) to the registry Joint Stock Company "Navigation-information systems", which operates the top-level domain (TLD) ".GDN". The breach was a result of the failure of the registry operator to comply with the Registry Performance Specifications for operation of the TLD, as required by Section 2.16 of the RA, and as set forth in Specification 10 of the RA. Specifically, Navigation information systems' Registration Data Directory Service (RDDS) exhibited downtime between 2022-04-22 10:45 UTC and 2022-04-24 00:05 UTC, which ultimately resulted in exceeding the Emergency Threshold under Section 6 of Specification 10. The registry operator also failed to pay past due ICANN fees and to demonstrate having implemented an RDAP service. The deadline to cure is 29 May 2022.

Notices of Suspension/Terminations

On 8 April 2022, ICANN sent a [Notice of Termination](#) to the registrar Alice's Registry, Inc resulting from the registrar's failure to cure the breaches by 17 March 2022 as set forth in ICANN's [Notice of Suspension](#) of RAA dated 22 December 2021. The Notice of Suspension Notice followed the registrar's failure to fully cure the [Notice of Breach](#) dated 11 October 2021. The termination became effective on 8 May 2022. To protect domain name registrants, ICANN initiated the De-Accredited Registrar Transition Procedure to transition the domain names managed by Alice's Registry, Inc. to a qualified ICANN-accredited registrar.

On 27 April 2022, ICANN extended the suspension period for the registrar Threadagent.com, Inc. until 31 May 2022. The suspension period contemplated in the 13 January 2022 [Notice of Suspension](#) was scheduled to conclude on 28 April 2022. However, it was extended due to the registrar's failure to fully cure all RAA violations on or before 7 April 2022. The deadline for the registrar to fully address all remaining violations was 17 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 April, Contractual Compliance received 1,124 new complaints (842 against registrars, and 282 against registry operators) and sent 300 inquiries and notices (collectively referred to as “compliance notifications”) to CPs. This number (300) 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 abuse, registration data inaccuracy, and transfers. Most notifications sent to registry operators addressed obligations related to zone file access, monthly reports, and bulk registration data access. During the month of April, the Contractual Compliance team closed 1,166 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 April 2022 Monthly Dashboard is available here: [ICANN Contractual Compliance Dashboard for April 2022.](#)

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 April, the Contractual Compliance team continued to process Temporary Specification-related compliance inquiries. The team 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 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 April, 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

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- 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:

- Continued working on internal memorandum in consultation with legal and outside counsel regarding Chinese Privacy law (PIPL) and impacts on compliance enforcement under Section 4.1, Appendix A of the Temporary Specification
- Conducted an outreach call with the registrar eNom concerning changes to its process of transferring Registration Data to registry operators after implementation of GDPR, to ensure compliance with applicable obligations under the RAA, RA and policies.

Registration Data Access Protocol (RDAP) Implementation

In April, the Contractual Compliance team continued processing service-related compliance notifications for the Registration Data Access Protocol (RDAP). From October 2019 to April 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 107 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) – 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 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.

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- 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 CP is in good standing, a total of 20 registrars and two (2) TLDs went through compliance reviews during this reporting period. In addition, Compliance reviewed Registry Registrar Agreement (RRA) amendments for 12 TLDs in April.

Outreach

There were no outreach activities in April.

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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