

Contractual Compliance Report

For the Period of 1 – 30 June 2022

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KEY HIGHLIGHTS FOR JUNE 2022

- Continued reviewing auditees' responses and data from certain Data Escrow Agents (DEAs) and the Trademark Clearinghouse (TMCH) during the [Registry Operators Audit](#).
- Terminated three registrars' accreditations and issued a 90-day suspension due to the relevant registrars' failure to cure Notices of Breach issued in prior months.
- Received 1,459 new complaints and forwarded more than 303 notifications to contracted parties (CPs) during investigations into compliance with numerous requirements across ICANN policies and agreements.
- Participated in the production of an [Advisory](#) related to the impact of China's Personal Information Protection Law (PIPL) on complaints pertaining to third-party access to nonpublic generic top-level domain (gTLD) registration data.
- Participated in a training session with Turkish registrars during which the team discussed contractual requirements related to Abuse under 3.18 of the Registrar Accreditation Agreement, the Uniform Domain Name Resolution Policy (UDRP) and the obligation to escrow gTLD registration data.

OVERVIEW OF ACTIVITY

Audit Program

In June, the Compliance Audit team reviewed the auditee's responses, as well as some data from Data Escrow Agents (DEAs) / the Trademark Clearinghouse (TMCH) needed for the audit. Some responses were incomplete or unclear. Compliance followed up with auditees, who have been mostly cooperating although they are frequently slow in responding. In July, the Audit team plans to send individual audit reports with initial findings that require action on auditees' part.

Contractual Compliance Enforcement

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

Notice of Breach

During June, ICANN did not issue any new Notice of Breach. The Contractual Compliance team continued to review and follow up, as appropriate, on communications with the relevant CPs pertaining to Notices of Breach issued in prior months. Additionally, during this period, ICANN Contractual Compliance conducted in-depth reviews and produced the necessary documents for three new Notices of Breach. These Notices were ultimately not issued, however, as the CPs cured the non-compliance immediately prior to the deadline to cure. Specifically, two cases related to Uniform Domain Name Dispute Resolution Policy obligations and one to WHOIS and Registration Data Access Protocol (RDAP) services. The preparation of a Notice of Breach generally entails – in addition to addressing the obligations related to the case(s) at hand – an overall contractual compliance “health check” of the relevant contracted party. This includes a review of the display of mandatory information on the contracted party's website and within the registration agreement, the review of WHOIS services and format and data escrow obligations. In addition to curing the violations to avert a Notice of Breach, the relevant CPs continue to work with the Contractual Compliance team on subsequent steps including implementation of preventive measures to ensure compliance with the relevant obligations moving forward.

Notices of Suspension/Terminations

On 21 June, ICANN sent a [Notice of Suspension](#) to the registrar Intracom Middle East FZE (Intracom) following the registrar's failure to fully cure the [28 April 2022 Notice of Breach](#) of its Registrar Accreditation Agreement (RAA) with ICANN, despite an extension to the deadline

granted upon Intracom’s request. The Notice of Breach included the obligations to deposit generic top-level domain (gTLD) registration data, implement an RDAP service and pay accreditation fees. The suspension became effective on 6 July 2022 and will conclude on 4 October 2022, if the registrar becomes compliant on or before 13 September 2022. During the suspension period, the registrar will not be able to create new registrations or initiate inbound transfers of gTLD domain names. Additionally, the registrar may be subject to escalated compliance action (including RAA termination), if ICANN receives additional information demonstrating that Intracom is continuing to violate the RAA or Consensus Policies, during or after the suspension period ends.

On 28 June, ICANN sent a [Notice of Termination](#) to the registrar Domainia Inc. following the registrar’s failure to cure the [28 April 2022 Notice of Breach](#). The Notice of Breach included the obligation to pay accreditation fees. The termination will become effective on 14 July 2022. The registrar had no domain names under management.

On 29 June, ICANN sent a [Notice of Termination](#) to the registrar HOAPDI INC. due to the registrar’s failure to cure the [18 January 2022 Notice of Breach](#). The Notice of Breach included the obligations to pay accreditation fees and provide WHOIS and RDAP services. The termination will become effective on 15 July 2022. The registrar only had one domain name under management – its own.

On 29 June, ICANN sent a [Notice of Termination](#) to the registrar Innovadeus Pvt. Ltd. due to the registrar’s failure to cure the [5 May 2022 Notice of Breach](#). The Notice of Breach included the obligations to pay accreditation fees, publish mandatory information on the registrar’s website and include such information in its registration agreement. The termination will become effective on 15 July 2022. To protect registrants, ICANN will follow the [De-Accredited Registrar Transition Procedure](#) to transition the domain names currently managed by Innovadeus Pvt. Ltd. to a qualified ICANN-accredited registrar.

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 June, Contractual Compliance received 1,459 new complaints (1,399 against registrars and 60 against registry operators) and sent 303 inquiries and notices (collectively referred to as “compliance notifications”) to CPs. This number (303) 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, registry data escrow and code of conduct. During the month of June, the Contractual Compliance team closed 704 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)

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- 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

The June 2022 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 June, 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) 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 June, 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, 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:

- Published an Advisory concerning the Chinese Privacy law (PIPL) and impacts on compliance enforcement under Section 4.1, Appendix A of the Temporary Specification.
- Attended and provided input for relevant sessions at ICANN74 related to implementation of the Registration Data Policy and general Data Protection and Privacy.

Registration Data Access Protocol (RDAP) Implementation

In June, the Contractual Compliance team continued processing service-related compliance notifications for the Registration Data Access Protocol (RDAP). From October 2019 to June 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 111 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.
- 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.
- Worked with GDS on implementation efforts for the Competition, Consumer Trust and Consumer Choice Review (CCT) Recommendation 21 item 2, which calls for publication of the TLD subject to Abuse in complaints received by Compliance. While ICANN org already collects the data requested in item 2 of the recommendation, the release of data regarding top-level domains (TLDs) subject to abuse cannot be executed on without explicit agreement and consent from Registry operators and the Registries Stakeholder Group (RySG) to publish gTLDs subject to abuse

Registry Compliance Checks

Registrar Compliance checks are no longer fulfilled by Compliance. Compliance conducted registry compliance checks for 2 TLDs in June.

Outreach

On 21 June, the Istanbul team conducted Registrar Training for Turkish Registrars organized by the teams from the ICANN's Middle East and Africa (MEA) office, Global Stakeholder Engagement (GSE) and GDS. The session, held in Türkiye and delivered in Turkish language, was held virtually with 16 people attended the session representing 7 registrars. The following topics were covered: abuse; UDRP; and data escrow. The team addressed questions regarding Abuse and UDRP requirements and clarifications provided about Registrar Data Escrow obligations along with the Contractual Compliance Process.

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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