

# Contractual Compliance Report

For the Period of 1 – 30 November 2022

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## TABLE OF CONTENTS

KEY HIGHLIGHTS FOR OCTOBER 2022	3
OVERVIEW OF ACTIVITY	3
AUDIT PROGRAM	3
CONTRACTUAL COMPLIANCE ENFORCEMENT	3
NOTICE 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	4
COMPLIANCE MONTHLY DASHBOARD AND TREND REPORTING	4
ENFORCEMENT OF THE TEMPORARY SPECIFICATION FOR GTLD REGISTRATION DATA VIA THE INTERIM	4
REGISTRATION DATA POLICY	4
REGISTRATION DATA ACCESS PROTOCOL (RDAP) IMPLEMENTATION	5
POLICY AND WORKING GROUP EFFORTS	5
OUTREACH	5

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## KEY HIGHLIGHTS FOR OCTOBER 2022

- Presented to the Generic Names Supporting Organization (GNSO) Council the highlights of a [report](#) on the enforcement of the Expired Domain Deletion Policy and the Expired Registration Recovery Policy throughout the years,.
- Participated in the publication of an [Advisory](#) issued by the ICANN organization (org) regarding fees related to processing requests to access generic top-level domain (gTLD) registration data.
- Attended the [Contracted Party Summit](#) in Los Angeles during which the team participated in several one-on-one meetings with contracted parties to discuss contractual obligations and the compliance process.
- Continued preparing a new audit round which will be focused on registrar obligations under the Registrar Accreditation Agreement and Consensus Policies. The audit plan, auditee selection, and the request for information (RFI) have been finalized.
- Received 850 new complaints. and forwarded more than 248 notifications to contracted parties during investigations into compliance with numerous requirements across Internet Corporation for Assigned Names and Numbers (ICANN) policies and agreements.
- Continued providing contractual compliance input to different policy and working groups.

## OVERVIEW OF ACTIVITY

### Audit Program

The Compliance Audit team continued to monitor the remediation of issues identified in a recently completed registry audit. Twelve of 21 issues have been remediated since the audit closed.

The Compliance Audit team is currently preparing for the next registrar audit. The team has finalized the audit plan, auditee selection, and RFI.

### Contractual Compliance Enforcement

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

### Notice of Breach

On 8 November 2022, ICANN sent a [Notice of Breach](#) to the registrar FLAPPY DOMAIN, INC. The breach was a result of the failure of the registrar to:

- Implement in a timely manner the Uniform Domain Name Resolution Policy (UDRP) Administrative Panel's decision rendered by the Czech Arbitration Court in Case Number 104248
- Escrow gTLD registration data
- Provide and maintain accurate and current information as specified in the Registrar Information Specification of the Registrar Accreditation Agreement

The deadline to cure was 29 November 2022. This deadline has been extended until 9 December 2022.

### Notices of Suspension/Terminations

No new suspension or termination notices were issued in October 2022.

### Enforcement Notices Escalated to the ICANN Legal Team (mediation)

No escalations were received by the ICANN Legal team.

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## Compliance Matters Related to Registrars and Registry Operators

In November, Contractual Compliance received 850 new complaints (738 against registrars, and 112 against registry operators) and sent 248 inquiries and notices (collectively referred to as “compliance notifications”) to contracted parties (CPs). This number (248) 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, registrar data escrow, and transfers. Most notifications sent to registry operators addressed obligations related to zone file access, registry fees, and monthly reports. During the month of November, the Contractual Compliance team closed 574 complaints without contacting the CP.

Examples of complaints closed without contacting a CP include instances in which the complainant:

- Failed to 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 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 November 2022:

- [Contractual Compliance 2022 Monthly Dashboards](#)
- [Contractual Compliance Twelve-Month Trends Reporting](#)

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

In November, the Contractual Compliance team continued to process Temporary Specification-related compliance inquiries. The team initiated one new inquiry concerning reasonable access to nonpublic registration data (Section 4.1, Appendix A) and one new inquiry concerning the display of registration data in the Registration Data Directory Services (Appendix A, Section 2 et seq.) and continued addressing previously submitted cases currently under remediation or pending further responses and collaborations. The 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 November, 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

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In addition, the Contractual Compliance team:

- Participated in the publication of an [Advisory](#) regarding fees related to processing requests for gTLD registration data access.
- Assisted in preparation of and attended sessions at the Contracted Parties Summit relating to implementation of the Registration Data Policy.

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

In November, the Contractual Compliance team continued processing service-related compliance notifications for the Registration Data Access Protocol (RDAP). From October 2019 to November 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 and 216 registrars have not yet uploaded their URL to the Naming Services portal or registered their URL with the Internet Assigned Numbers Authority. 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 on 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 org feedback group tasked with reviewing the first batch of stable recommendations for the internationalized domain name 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 second Security, Stability, and Resiliency Review Team Recommendations.
- Continued providing contractual compliance inputs and clarifications to address the PDP Working Group's (WG) questions raised during the WG's review of Public Comments received for the Initial Report on Transfer Policy Review – Phase 1(a).

Additionally, on 17 November 2022, the Contractual Compliance team presented to the GNSO Council highlights of a [report](#) produced on the enforcement of the Expired Domain Deletion Policy and the Expired Registration Recovery Policy. The report responded to a GNSO Council's [request](#) posed to the Contractual Compliance team and contains data and observation garnered from the enforcement of these two consensus policies throughout the years. The team had also published a [blog](#) related to the report on 10 November 2022.

### **Outreach**

From 1 November 2022 to 4 November 2022, the Contractual Compliance team attended the Contracted Parties Summit, which was held in-person in Los Angeles. During this Summit, members of the Contractual Compliance team had several one-on-one meetings with CPs to address questions related to contractual obligations and 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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