

Contractual Compliance Report

For the Period of 1 – 31 August 2023

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KEY HIGHLIGHTS FOR AUGUST 2023

- Launched a new audit round focused on the generic top-level domain (gTLD) Registry Agreement (RA) and Temporary and Consensus Policies
- Received 1,610 new complaints and forwarded more than 230 notifications to contracted parties (CPs) during investigations into compliance with numerous requirements across ICANN policies and agreements
- Continued providing contractual compliance input to different policy and working groups

OVERVIEW OF ACTIVITY

Audit Program

The Compliance Audit team launched a new audit round in August that is focused on validating registry operators' compliance with multiple terms of the gTLD Registry Agreement and ICANN Temporary and Consensus Policies.

Pre-audit notifications were sent on 31 July 2023 to the auditees selected. Requests for information were sent on 14 August 2023.

Contractual Compliance Enforcement

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

Notices of Breach

There were no new breaches issued in August 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 August 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 August, Contractual Compliance received 1,610 new complaints (1,511 against registrars and 99 against registry operators) and sent 271 inquiries and notices (collectively, referred to as "compliance notifications") to CPs. This number (271) 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 notifications sent to registrars addressed obligations related to abuse, registrar data escrow, and transfer (i.e., registrar issues related to a lack of a dedicated complaint form). Most notifications sent to registry operators addressed obligations related to monthly reports, zone file access, and registry data escrow. During the month of August, the Contractual Compliance team closed 1,068 complaints without having to contact a CP.

Examples of complaints closed without contacting a 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

Click the links below to view the dashboard and reporting trends for August 2023:

- [Contractual Compliance 2023 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 August, the Contractual Compliance team continued to process Temporary Specification-related compliance inquiries. The team initiated three new inquiries concerning reasonable access to non-public registration data (Section 4.1, Appendix A). The Contractual Compliance team 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. 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 August, 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 concerning alleged violations of the Temporary Specification and compliance notices or inquiries sent and closed during the month
- Providing input on contractual requirements for third-party access to non-public registration data under current requirements and future policy recommendations, as it relates to the design and development of the Registration Data Request Service (RDRS)

Registration Data Access Protocol (RDAP) Implementation

In August, the Contractual Compliance team continued processing service-related compliance notifications for the Registration Data Access Protocol (RDAP). From October 2019 to August 2023, the Contractual Compliance team processed notifications with respect to the implementation of the RDAP service and registration of base Uniform Resource Locators (URLs).

Current information indicates that all top-level domains are compliant, while 43 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 collaborated across the ICANN organization (org) on assessing the multiple recommendations produced by policy development, implementation, and review teams. The following activities took place:

- Participated in the ICANN org'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 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 review of Transfer Policy Review – Phase 2 topics (ICANN-approved transfers)

Outreach

There were no outreach activities in August 2023.

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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