

# Contractual Compliance Report

For the Period of 1 – 31 March 2023

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## KEY HIGHLIGHTS FOR MARCH 2023

- Issued initial reports to the 15 auditees included in the Internet Corporation for Assigned Names and Numbers (ICANN) Contractual Compliance audit against the Registrar Accreditation Agreement (RAA) and Consensus Policies that was launched in November 2022
- Received 1,295 new complaints and forwarded more than 305 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
- Attended ICANN76 in Cancún Mexico

## 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 in December. Responses from all auditees were received during January 2023 and reviewed during February 2023.

After reviewing responses received from all auditees, fifteen initial audit reports containing audit findings were sent on 21 March 2023. The Audit team will send out updated audit reports to auditees once findings in the initial audit reports are addressed.

The Compliance Audit team continued to monitor remediation of issues identified in a recently completed registry audit. At the end of March, 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 March 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 March 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 March, Contractual Compliance received 1,295 new complaints (1,234 against registrars and 61 against registry operators) and sent 305 inquiries and notices (collectively, referred to as “compliance notifications”) to CPs. This number (305) 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.

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Most of the notifications sent to registrars addressed obligations related to abuse, registration data inaccuracy, and transfer (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 registry data escrow. During the month of March, the Contractual Compliance team closed 1,126 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
- 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 March 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 March, the Contractual Compliance team continued to process Temporary Specification-related compliance inquiries. The team initiated seven 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. 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 March, 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

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

In March, the Contractual Compliance team continued processing service-related compliance notifications for the Registration Data Access Protocol (RDAP). From October 2019 to March 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 (TLDs) are compliant, while 44 registrars have not yet uploaded their URL to the Naming Services portal. The Contractual

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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 organization on assessing the multiple recommendations produced by policy development, implementation, and 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 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 (Transfer Emergency Action Contact/ Transfer Dispute Resolution Policy / transfer reversal)

### **Outreach**

From 11 March through 16 March 2023, the Contractual Compliance team attended the 76th ICANN Community Forum meeting held in Cancún. During ICANN 76, members of the Contractual Compliance team had numerous in-person meetings with members of the community 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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