

# Contractual Compliance Report

For the period of 1 – 31 October 2021

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## OVERVIEW OF ACTIVITY

### Audit Program

The Audit team is currently planning the next audit program.

**Contractual Compliance Enforcement** – All notices can be found [here](#).

### Notice of Breach

On 11 October 2021, ICANN sent a [Notice of Breach](#) to the registrar Alice's Registry, Inc. The registrar is in California (U.S.). The breach is a result of the failure of the registrar to pay accreditation fees, provide an interactive web page and port 43 designated for the Whois service. This service offers free public query-based access to up-to-date data concerning all active registered names sponsored by Alice's Registry. Additional concerns regarding the registrar's lack of timely responses to ICANN Contractual Compliance matters and information indicating that the registrar's business entity may be suspended were included in the Notice of Breach. The deadline to cure was 1 November 2021.

### Notices of Suspension/Terminations

No suspensions or terminations in October.

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

No escalations to the ICANN Legal team.

### Compliance Matters Related to Registrars and Registry Operators

In October, Contractual Compliance received 1,285 new complaints (1,217 against registrars, and 68 against registry operators), and sent 402 inquiries and notices (collectively referred to as "compliance notifications") to contracted parties. This number (402) refers to 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> 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 transfers, abuse, and registration data inaccuracy. Most notifications sent to registry operators addressed obligations related to zone file access and monthly reports. During the month of October, the Contractual Compliance team closed 1,155 complaints without contacting the contracted party.

Examples of complaints closed without contacting the contracted party 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 October 2021 Monthly Dashboard is available here: [ICANN Contractual Compliance Dashboard for October 2021](#).

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

In October, the Contractual Compliance team continued to process Temporary Specification-related compliance inquiries. We 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), one new inquiry concerning consent to display registration data in the RDDS (Section 7.2), and one new inquiry 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 response and collaboration. 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 public WHOIS, privacy, or proxy service data are redactions, or that all non-European data should be displayed, etc).

In October, 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 Phase 2 recommendations
- 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, the Contractual Compliance team:

- Presented updates to the Public Safety Working Group of the ICANN Governmental Advisory Committee (GAC PSWG) concerning compliance activity related to enforcement of the Temporary Specification (specifically relating to access to/disclosure of non-public registration data) during the pre-ICANN72 GAC PSWG informal meeting
- Presented updates to the community concerning compliance activity related to enforcement of the Temporary Specification during the pre-ICANN72 Contractual Compliance Program Update webinar

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

In October, the Contractual Compliance team continued processing service-related compliance notifications for the Registration Data Access Protocol (RDAP). From October 2019 to October 2021, the Contractual Compliance team has 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 61 registrars have not yet uploaded their URL to the Naming Services portal (NSp) or registered their URL with the Internet Assigned Numbers Authority (IANA), respectively. The Contractual Compliance team continues to collaborate with these contracted parties that have not yet implemented RDAP, and those that have presented remediation measures to become compliant. These contracted parties 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.

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## Policy and Working Group Efforts

The Contractual Compliance team worked with the Global Domains Strategy (GDS) team on assessing the multiple recommendations produced by review teams. The following activities that 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
- GNSO Transfer PDP Working Group (WG) – 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 "Transfer Authorization Code (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

## Registrar and Registry Compliance Checks

In response to requests from the GDS team to verify that a contracted party is in good standing, a total of 27 registrars and three (3) TLDs went through compliance reviews during this reporting period.

## Outreach

On 14 October, members of the Compliance Team presented updates to the community during the [pre-ICANN72 Contractual Compliance Program Update webinar](#).

**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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