



78

ANNUAL
GENERAL
MEETING



Program Update

ICANN Contractual Compliance



ICANN78 Prep Week
09 October 2023

Agenda

Program Update:

- The 2022 Registrar Obligations Audit Report & New Full Scope Registry Obligations Audit.
- Metrics & Data Related to Enforcement Actions:
 - Across All Contractual Obligations
 - Relating to Registrar Abuse Obligations
 - Relating to Formal Enforcement Notices
- Support of Policy and Working Groups Efforts, and Other Initiatives of the Community.

Questions and Answers

Introduction

- ICANN Contractual Compliance (“Compliance”) enforces the obligations in ICANN’s agreements with registries and registrars and the community-developed policies incorporated into those agreements. Compliance ensures all obligations are implemented to preserve and enhance the security, stability and resiliency of the Domain Name System.
 - Compliance’s enforcement actions result from external complaints, proactive monitoring and audit-related activities.
 - Compliance participates in training and outreach sessions to increase awareness regarding contractual obligations among the community.
 - Compliance produces, publishes and maintains metrics and data on complaints received and enforcement actions to help inform community discussions.
 - Compliance supports policy and working groups efforts by providing data and input regarding enforcement and enforceability of obligations.

Compliance with RAA, RA and Consensus Policies Audits

Yan Agranonik

Senior Manager, Contractual Compliance Risk & Audit

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Full-scope Registrar Compliance Audit (2022)

- From November 2022 through May 2023, Compliance audited 15 registrars on their compliance with Registrar Accreditation Agreement (RAA) and Consensus Policies obligations.
- The audit included the testing of data and the review of documentation and websites in multiple languages.
- Registrars with deficiencies were requested to take remedial actions. These were completed before conclusion of the audit or are ongoing and will be validated by Compliance at an agreed-upon date.
- In June 2023, Compliance published a [consolidated report](#) on the audit with key statistics and findings.

Full-scope Registry Compliance Audit

- In August 2023, Compliance launched a new audit round to test and validate registry operators' (ROs) compliance with terms of the Registry Agreement (RA) and Consensus Policies.
- 19 ROs were selected for the audit. The selection criteria includes:
 - TLDs/ROs that have never been audited (TLDs operated by the same RO are excluded)
 - gTLDs of those ROs with over 5,000 domains under management (DUMs)
 - gTLDs of those ROs with a Domain Abuse Activity Reporting (DAAR) abuse score greater than 0.0 percent.
- All 19 ROs have submitted audit responses/documentation in response to Requests for Information (RFIs), which were sent in August 2023.
- Compliance is reviewing ROs audit responses/documentation. Once completely reviewed, Compliance will issue individual confidential Initial Audit Reports to each RO.

Enforcement Actions, Metrics & Data; Abuse Obligations & Formal Notices

Leticia Castillo

Senior Director, Contractual Compliance



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Actions Resulting From Complaints - Metrics

From September 2022 through August 2023, Compliance:

- Received 14,344 new complaints: 13,018 (registrars) and 1,316 (registries).
- Sent over 3,123 notifications to registrars and registries. In volume:
 - #1 for registrars related to abuse report handling obligations under Section 3.18 of the RAA.
 - #1 for registries related to transaction and activity reports submission obligations under Appendix 4 or Specification 3 of the RA.
- Resolved 2,263 compliance investigations with registrars and registries.
- Closed 11,409 invalid complaints after reviewing all relevant data and information, and providing reasoning and alternatives to complainants.

Actions Resulting From Complaints - Abuse Detail

Registrar-related abuse complaints are addressed under [Section 3.18 of the RAA](#).

From September 2022 through August 2023, Compliance:

- Received 5,183 abuse complaints. Sent over 996 notifications to registrars within the informal stage.
- Closed 800 cases initiated with registrars (in 44% the domain name(s) or hosting services had been suspended.)
- Closed 4,327 invalid complaints without contacting the registrar.

Percentages are rounded to nearest whole number

Formal Enforcement Notices

From September 2022 to date, Compliance has issued 15 formal notices: seven breach notices (one to a registry, six to registrars); two suspension notices to registrars, and six termination notices to registrars.

Obligations enforced included:

- ☐ Provide WHOIS service
- ☐ Deposit data escrow
- ☐ Implement UDRP Decision
- ☐ Permit registrants to renew domain names
- ☐ Remove transfer lock to allow registrant to transfer domain names
- ☐ Provide records of abuse reports investigation and response to ICANN
- ☐ Pay ICANN accreditation fees

Formal enforcement notices are published [here](#).

Support of Policy, Working Groups & Other Community Initiatives

Jonathan Denison

Senior Director, Contractual Compliance

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Policy, Working Groups & Other Initiatives Support

- Compliance is a regular contributor to the Community's constant state of policy development and research work.
- Compliance's recorded metrics and data help inform community discussions and research on specific topics, such as domain name abuse or renewal.
- Compliance provides input on whether proposed policy language is clear and enforceable.
- Compliance allocates subject matter experts to participate in policy development, working group and other initiatives, provide information and feedback on concepts and language, as well as how to implement policy in an effective way once approved.

Policy, Working Groups & Other Initiatives Support

Compliance has subject matter experts involved in, for example:

- The Expedited Policy Development Process on the Temporary Specification for gTLD Registration Data
- The Transfer Policy Review PDP
- IDN Guidelines
- Rights Protection Mechanisms Implementation Review Team
- Registration Data Request Service (RDRS)
- Subsequent Procedures (SubPro)
- RegDataPolicy Implementation
- Amendments to the Base gTLD RA and RAA to Modify DNS Abuse Contract Obligations.
- RDAP Amendments.

Compliance also responds to ad hoc requests from policy and working groups:

- Report created in response to the Generic Names Supporting Organization Council's request related to domain renewal obligations.

Compliance maintains a dedicated page with [Metrics and Dashboards](#). In 2022, [new reports](#) were launched with more with more granular data.

Questions & Answers



Send Compliance questions to:

compliance@icann.org

Subject line: ICANN78 Prep Week Compliance Update

This ICANN78 presentation will be available at:

- The ICANN Contractual Compliance outreach page at <https://www.icann.org/resources/compliance/outreach>
- The ICANN78 Prep Week page at <https://icann78.sched.com/>

APPENDIX



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Disclosure of gTLD Registration Data

- Section 4.1 of Appendix A of the Temp Spec (enforceable via Interim Policy):

Provide reasonable access to non-public registration data based on a legitimate interest, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject pursuant to Article 6(1)(f) GDPR.

- From September 2022 through August 2023, Compliance:
 - Received 111 complaints (38% IP lawyers; 54% Other; 8% LEA/Gov/DPA). Closed 67 out-of-scope complaints.
 - Initiated 39 new investigations (51% submissions by self-identified IP lawyers).
 - Closed 42 investigations (50% submissions by self-identified IP lawyers).
- Metrics available on Dashboard reports. Additional detail concerning the outcome of the disclosure decision was added in February 2022 (access provided, denied or request incomplete).

Percentages are rounded to nearest whole number