

March 2018

RDS Purpose: ICANN Contractual Enforcement  
Emails to [maguy.serad@icann.org](mailto:maguy.serad@icann.org) from Chuck Gomez on behalf of GNSO RDS-PDP-5  
DT5 Answers to Questions – Final Version for WG Review 7 March 18  
From: <https://community.icann.org/display/gTLDRDS/Phase+1+Documents>  
(See the 2nd link for DT5)

**Definition:** Information accessed to enable ICANN Compliance to monitor and enforce contracted parties' agreements with ICANN.

1. *Who associated with the domain name registration needs to be identified and/or contacted for the ICANN Contractual Enforcement Purpose?*

- ICANN compliance needs to be able to identify and as necessary contact the representatives from the associated registrar and/or registry who is knowledgeable about the contracted party's fulfillment of RDS or other contractual requirements. ICANN compliance may also need to contact the registrant or its designated representative to confirm or verify facts or assertions made regarding the registrar's or registry's compliance.

**Correct - ICANN Contractual Compliance, as part of its compliance process (<https://www.icann.org/resources/pages/approach-processes-2012-02-25-en>), identifies the registrar and/or registry operator of the domain name and undertakes various activities to ensure compliance with contractual obligations.**

**Compliance does not currently reach out to the domain name's registrant unless the registrant is also the person submitting the complaint ("reporter"). Compliance may check the WHOIS data to confirm whether the reporter of the complaint is the current registrant of the domain name. Compliance may also follow up with the reporter to validate the complaint before collaborating with the registrar or registry operator on the complaint.**

**Compliance may also receive communications between the registrar or registry operator and the registrant during the course of processing the complaint. For example, a registrar may provide evidence of emails with the registrant during a WHOIS inaccuracy investigation or transfer complaint investigation.**

2. *What is the objective achieved by identifying and/or contacting each of those entities?*

- The objectives for contacting any of the entities listed for question 1 above, if needed, are:
  - To provide notification of any possible compliance issues
  - To ask clarifying questions about any possible compliance issues
  - To communicate possible compliance actions under consideration
  - To provide official notification of final actions taken.

**Commented [O1]:** It is important to note that there was divergence in the DT about whether ICANN Compliance would need to contact registrants in fulfilling its responsibilities. The DT reached out to Compliance to seek their input.

**Commented [O2]:** It may be helpful to understand that some contract requirements relate directly to the RDS. In its deliberation going forward on the proposed purpose of ICANN Contractual Enforcement, the WG may need to decide whether this purpose should just involve RDS related contractual requirements or compliance with all contract requirements.

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**Correct - The objective of ICANN Contractual Compliance in contacting registrars, registry operators and complaint reporters (who may also be registrants) is to fulfill the compliance function of enforcing ICANN agreements and policies.**

3. *What might be expected of that entity with regard to the domain name?*

- Domain name registrars and registries would be expected (by ICANN compliance) to do any or all the following as applicable:
  - Ask clarifying questions about issues identified by ICANN Compliance
  - Respond to questions asked by ICANN Compliance
  - Provide relevant information to assist ICANN Compliance in their deliberation.
  - Appeal actions taken by the ICANN Compliance.

**Correct -ICANN contracted parties and complaint reporters (who may also be registrants) are expected to demonstrate compliance (contracted parties) and/or facilitate ICANN's determination of whether the complaint is in scope of the relevant ICANN agreements and policies (reporters).**