ICANN Contractual Compliance Update to the Government Advisory Committee

Regarding the new gTLD under the new Registry Agreement

ICANN’s new generic top-level domain (gTLD) program delegated its first names in October 2013 and continues to grow with currently over 600 newly delegated gTLDs. A list of the delegated new gTLDs can be found on ICANN’s new gTLD website for [delegated strings](http://newgtlds.icann.org/en/program-status/delegated-strings).

ICANN proactively monitors the operation of the new gTLDs under the new gTLD Registry Agreement for compliance with their contractual obligations. A list of the areas that have been identified and addressed with the registries via the informal resolution process is set forth below:

* Publication of registry operator’s abuse contact data – for a registry’s failure to display the required information at all, missing primary contact, or missing mailing address for abuse reports;
* Data escrow deposits – for missing daily data escrow deposit or registry operator or data escrow agent missing the daily status notification to ICANN;
* Controlled interruption under the name-collision assessments – for activating names prior to the completion of a controlled interruption period;
* Sunrise and claims obligations, including Rights Protection Mechanism Requirements and code of conduct – for improper allocation, preferential treatment of select registrars or failing to timely submit the list of registered domain names (LORDN) to the Trademark Database (TMDB)
* Publication of registration data – for failing to operate Whois lookup services
* Upholding service level agreements – for downtimes exceeding service level requirements
* Reserved names and List of Second Level Domains to Block – for activating names that should be reserved
* The annual certifications required by: (a) the code of conduct, (b) an exemption to the code of conduct under Specification 9 and (c) meeting the requirements of a .brand TLD under Specification 13 – for failing to submit annual certifications or submitting certifications with insufficient content or improper signatories.

The Public Interest Commitments – to assess the registry operators’ readiness regarding compliance with Public Interest Commitments. No PICDRP reports have been initiated to date.

ICANN also continues to manage complaints regarding the following:

* Uniform Rapid Suspension System (URS) – for a registry’s failure to lock the domain name within 24 hours of notification of a determination by the URS service provider; and
* Providing access to zone files via the Centralized Zone Data Services (CZDS) – for improperly denied or revoked requests
* Registry Restriction Dispute Resolution Policy complaints that were invalid
* Trademark Post Delegation Dispute Resolution Policy complaints that were invalid
* Sunrise, Claims and Code of Conduct complaints – for a registry’s failure as described above

The volume of registry complaint types discussed above and other types can be found on the Monthly Dashboard at this link <https://features.icann.org/compliance>.

In addition to the Monthly Dashboard provided at the link above, the Complaint Counts by TLD report, found at this link: <https://features.icann.org/compliance/complaints-by-tld> provides data by region for a rolling 13-month period. As of 27 April, the 2662 complaints total for the period of 1 March 2014 to 1 March 2015 period consists of 75% of monitoring related activities and the rest from complaints. Please refer to this link: <https://features.icann.org/compliance> for additional reports.

ICANN initiated another round of the New gTLD Registry Agreement audit on 23 March 2015. Eleven registry operators were selected for the audit based on three criteria: (1) number of registered domains per gTLD; (2) inclusion of gTLDs that are Internationalized Domain Names (IDNs) and in the Sunrise, Trademark Claims and General Availability periods; and (3) inclusion of gTLDs with voluntary Public Interest Commitments (PICS). All registry operators included in this audit have responded to the audit and submitted the requested documentation. Review of the documentation is currently underway. This round of the audit is targeted to conclude in July 2015. Additional information regarding the New Registry Audit can be found at on ICANN’s [Contractual Compliance Audit](https://www.icann.org/resources/pages/audits-2012-02-25-en) web page.

Contractual Compliance also continues to participate in several policy working groups and implementation teams such as the PIC Security Working Group, Additional Whois Information Policy (AWIP), the Policy and Implementation Working Group (GNSO). The participation varying from reviewing or recommending proposed contract amendments to providing comments on proposed contract language for purposes of implementation and enforceability. In addition, the team provides metrics to the Competition, Consumer Trust and Consumer Choice efforts (IAG-CCT Program).

Additionally, Contractual Compliance collaborated with ICANN’s Registry Services team to support ICANN’s plan to expand the Standing Panel responsible for administering the Public Interest Commitments Dispute Resolution Procedure (PICDRP) by participating in the interview and selection process of additional panel members.

Please join us at ICANN 53 during the Wednesday morning session for a detailed update on the Contractual Compliance activities followed by a question and answer session.