Enforcement of the EDDP & ERRP

ICANN Contractual Compliance Report to the GNSO Council

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Introduction

In response to a [request](#) from the Generic Names Supporting Organization (GNSO) Council, ICANN Contractual Compliance (Compliance) prepared a report on the enforcement of the Expired Domain Deletion Policy and the Expired Registration Recovery Policy ([Report](#)).

The Report provides:

⊙ Data and metrics on external complaint and audit-related activities from 1 August 2013 through 31 August 2022.

⊙ Compliance's observations garnered from the enforcement of the two policies and common areas of noncompliance.

These slides summarize some key data points within the Report. Please refer to the Report for all details.

Enforcement of the EDDP & ERRP – Metrics & Data

External complaints (domain name renewal/redemption)
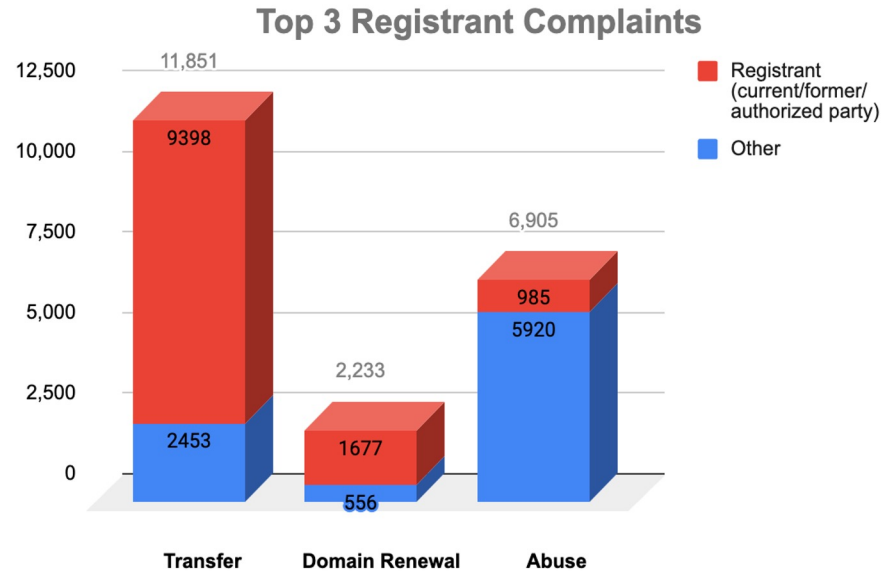
➢ From August 2013 through September 2016, Compliance:

- o Received 2,444 new complaints, closed 1,296 invalid complaints and initiated 1,201 investigations with contracted parties.

- o Issued 8 formal breach notices, 1 suspension notice and 3 termination notices.

- o The main reasons why cases were closed during this period were: (1) the registrar demonstrated compliance with the applicable EDDP/ERRP requirements (27.22%); (2) The complainant did not provide the requested evidence (18.90%).

➢ From October 2016 through August 2020, Compliance:

- ➢ Received 3,563 new complaints, closed 3,088 invalid complaints and closed 552 investigations with contracted parties.

- ➢ Issued 3 formal breach notices and 2 termination notices.

- ➢ The main reasons why cases were closed during this period were: (1) the registrar demonstrated compliance with the applicable EDDP/ERRP requirements (8.3%); (2) The complainant did not provide the requested evidence (64%).

Enforcement of the EDDP & ERRP – Metrics & Data

External complaints from September 2020 through August 2022

➢ 36,409 received (all complaint types).

Top 3 Registrant Complaints

Legend:
- Registrant (current/former/authorized party)
- Other

Transfer: 11,851 total (Registrant 9398, Other 2453)
Domain Renewal: 2,233 total (Registrant 1677, Other 556)
Abuse: 6,905 total (Registrant 985, Other 5920)

➢ 2,233 new renewal-related complaints; 1,996 invalid complaints closed; 248 closed after investigation with the registrar.

➢ Most cases initiated with registrars referred to failed renewal/unresponsive resellers (106/116) and were closed because the registrar demonstrated compliance (37.1%), was terminated (30.2%) or addressed all areas of noncompliance (16.5%).

➢ Of 96 remediation plans completed by contracted parties, 19 related to renewal obligations.

Enforcement of the EDDP & ERRP – Metrics & Data

ICANN Contractual Compliance Audits (related to EDDP & ERRP)

➢ With respect to the audit rounds occurring from October 2013 through October 2016:
- Of the registrars with identified deficiencies, 26 resolved them all within the relevant round, and 9 were subsequently retested.
- No formal breach notice was issued.

➢ Within respect to the audit round occurring from September 2017 through May 2018:
- Of the registrars with identified deficiencies: 12 resolved deficiencies under the ERRP, 9 were subsequently retested and 6 resolved deficiencies under the EDDP.
- Two registrars were breached. Both breach notices were subsequently cured.

ICANN's formal breach notices can be found here.

Enforcement of the EDDP & ERRP - Observations

➢ Ambiguities in key terms create confusion for and/or delayed actions by registrants (and some registrars). Examples:
  o "Delete"/"deletion" can take on different meanings in the life-cycle of a domain name.
  o "Cancellation of the registration" or "terminating a registration agreement" actions are not defined.
  o "Auto-renew grace period" or "auto-renew period" used differently by different registrars.

➢ Requirements related to auto-renew grace period and aftermarket activities create confusion for and/or delayed actions by registrants.
  o Domain name lost with no restoration (RGP) option.
  o DNS resolution path interruption (biggest warning for the RAE) may not occur.

➢ Requirements related to expiration reminder notices.
  o Apparent contradictions within requirements for the notices resulting in notifications not always being sent to the Registrant/RAE.

Enforcement of the EDDP & ERRP - Observations

➢ Common ERRP/EDDP non-compliance issues observed by Compliance:

    o Resellers' failure to perform certain registrar obligations under the ERRP and/or EDDP. Compliance enforces all these obligations with the registrar even when the services are provided by its resellers (RAA 3.12).

    o Required description of deletion and auto-renewal policy not containing all details (the expected time at which a non-renewed domain will be deleted relative to the expiration (within a date range of 10 days)).

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