

CC2 Themes – Work Track 2

Contractual Compliance

2.8.1 - Noting that the role of Contractual Compliance is to enforce the registry agreement and any changes to that role are beyond the scope of this PDP, the WG is not anticipating policy development related to this topic. The WG expects that any new contractual requirements would be made enforceable by inclusion in the base agreement. Do you agree with this approach?

Jannik Skou, INTA, Nominet, RySG, BRG, Afiliias, and ALAC agree with the WG expectation that any new contractual requirements would be made enforceable by inclusion in the base agreement.

Sample excerpts:

“Yes, the RySG is of the view that any compliance related requirements are be made enforceable by inclusion in the Registry Agreement and for registries established during subsequent procedures an updated base agreement would be advisable.” – RySG, BRG, Afiliias

“The ALAC agrees with the approach.” -- ALAC

INTA, Jannik Skou, and John Poole provided additional regarding contractual compliance.

Excerpts:

“. . . However, INTA and its members, have long called for **greater transparency** from Contractual Compliance with both the need for **more granular and meaningful data** on the activities of the department and the nature of the complaints dealt with; and better communication with complainants about the steps taken in response to complaints reported to the department. There have been a number of troubling operational practices engaged in by registry operators during the first new gTLD round. These practices include **arbitrary and abusive pricing for premium domains targeting trademarks; use of reserved names to circumvent Sunrise; and operating launch programs that differed materially from what was approved by ICANN**. These troubling practices seem to **violate the spirit, if not the letter, of various contractual obligations in the RA**, and must be addressed by the PDP-WG in order that they are clearly and specifically prohibited in subsequent procedures.” – INTA

“. . . **SPEC 13 TLDs/exemption of code of conduct TLDs with only NIC.brand (one domain name registered) should not have to go through annual audit of compliance with Spec 13**. ICANN should be able to check for them selves that the TM is still in the TMCH and also to check if the brand is now in the primary business of domain names.” – Jannik Skou

“It depends. So far **ICANN contractual compliance has been a “joke”** as far as registrants are concerned.” – John Poole