

20 May 2026

RE: Follow-up on prior correspondence and clarification on Specification 5 under the ICANN New gTLD Registry Agreement

Noor Ilyana Zakaria
Head, Licensing and Monitoring Division
On behalf of the Chairman

Dear Noor Ilyana Zakaria:

Thank you for your [letter](#) dated 24 March 2026 outlining your questions regarding the application of Specification 5 of the Registry Agreement (RA), particularly the reservation of country and territory names required under Section 4 of Specification 5 of the RA.

ICANN appreciates the Malaysian Communications and Multimedia Commission's continued engagement and welcomes the opportunity to elaborate on the explanations provided during ICANN85, as referenced in your letter.

Through its Contractual Compliance function, ICANN monitors and enforces compliance with the RA, the Registrar Accreditation Agreement (RAA), and ICANN Consensus Policies. Compliance is assessed through established processes, and enforcement actions may be initiated in response to external complaints, regularly scheduled audits, or other proactive monitoring activities.

Please find our responses to your questions. For consistency, we have retained the numbering from your letter.

6.1 Proactive Detection of Specification 5 Violations

Specification 5, Section 4 of the RA requires registry operators to reserve certain country and territory names. These reservations may be released if the registry operator obtains agreement from the relevant government(s). By executing the RA, registry operators acknowledge and accept these obligations and must comply with them independent of ICANN's involvement.

Based on ICANN's experience handling cases with registry operators, we have observed that operators typically implement technical controls to prevent the registration or activation of protected names. Some registry operators self-allocate these names to block registration by a third party, while others use alternative technical mechanisms. There is no single mandated method for implementing these reservations, provided that the registry operator ensures the required protections are in place.

ICANN Contractual Compliance enforces these obligations through established processes, and potential noncompliance is most commonly identified through routine audits and external complaints. Additional monitoring approaches are currently being designed to further strengthen oversight, as described at the end of this letter.

6.2 Compliance Audits

ICANN operates a structured [audit program](#) that typically includes two audit rounds per year — one focused on registry operators and one on registrars. These audits are conducted independently of the investigations initiated from external complaints, and both mechanisms work together to ensure comprehensive contractual compliance. All full-scope registry audits include testing of country and territory name reservations. This is done through questions included in the request for information sent to each registry operator, as well as ICANN's independent review of the registry's zone file to identify any potential violations. All final audit reports are published [here](#) and they include details about the deficiencies detected.

In addition, anyone can report the release of protected names to ICANN Contractual Compliance through its dedicated [webform](#).

6.3 Investigation and Remediation

When ICANN Contractual Compliance identifies a potential violation, it begins an investigation using ICANN's established process. ICANN notifies the registry operator, explains the relevant contractual requirements, describes the potential violation, and provides a deadline for the registry operator to either demonstrate compliance or remediate the noncompliance if the domain name was improperly released. The registry operator must then either demonstrate that it obtained the required government approval or outline the steps it will take to correct the noncompliance. ICANN also requires the registry operator to explain what measures it will implement to maintain compliance and prevent the issue from happening again in the future.

6.4 Correction and Enforcement Measures

Where noncompliance is confirmed, the registry operator is required to reserve the protected name and implement steps to prevent future occurrences. Restoration of compliance generally requires deletion of the registration before the name can be returned to reserved status. In certain circumstances, if the registry operator wishes to seek government approval for the release of the name rather than deleting it immediately, ICANN may grant a reasonable extension. Extensions are granted only when the registry operator provides justification, actively works toward restoring compliance, and maintains appropriate safeguards during the interim period.

There have been occasions when a registry operator requests additional time to notify impacted registrants and allow them to migrate content or services to another domain name. ICANN has granted such requests when reasonable. Regardless of any extension, the registry operator must describe the actions taken to prevent recurrence.

This generally includes reviewing the full list of reserved names, reconciling it with the registry operator's system, and updating internal procedures. If the operator fails to provide adequate remediation, or does not restore compliance, the matter is escalated within ICANN's Contractual Compliance process and may lead to a formal Notice of Breach and, if unresolved, termination of the Registry Agreement under its applicable provisions (See Section 4.3 (a) of the RA).

6.5 Government Notification and Engagement

The guidelines to release country and territory names, which are [here](#), explain two permissible methods:

- The registry operator has reached an agreement with the applicable government for the release of a particular country or territory name, or
- The Governmental Advisory Committee (**GAC**) **database** shows a country or territory "waives its right to authorize the release of the country or territory name" according to the instructions outlined in the database.

ICANN Contractual Compliance does not contact governments to confirm whether they wish the obligation to be enforced as part of ICANN's enforcement process. The requirements in Specification 5 apply directly to registry operators, and governments indicate whether they waived their right to authorize the release or not via the GAC database linked above. It is the registry operator's responsibility to notify the relevant government of its intention to release a protected name and confirm the government's agreement. If no waiver is listed in the GAC database, ICANN treats a release as a potential violation, investigates, and requires the registry operator to provide evidence of government approval.

When registry operators have been working to obtain approval or have needed additional time for registrants to migrate services before a name is deleted and reserved, ICANN has granted reasonable extensions. When approval was not obtained, the names were ultimately deleted to restore compliance.

6.6 Historical Specification 5 Incidents

As explained earlier, all final audit reports are published [here](#) and they include details regarding the requirements assessed and deficiencies detected.

For example, the most recent registry audit, completed in October 2025, found that 12 of the audited registry operators had released at least one domain name without authorization (see page 9 [here](#)); during the 2023 registry audit five registry operators were found to be in violation of Specification 5 (see page 7 [here](#)); and during the 2022 registry audit six registry operators were found to have this violation (see page 7 [here](#)).

In all cases the applied remediation process was described earlier. Registry operators confirmed they had not obtained the required government approval, deleted and reserved the names, and implemented measures to prevent recurrence. Several operators requested reasonable extensions to give registrants time to migrate content or services before deletion, and such requests were granted when appropriate.

6.7 Actions Involving Registrars

The obligation to reserve country and territory names lies with the registry operator rather than with registrars. Consequently, when an improper registration involves a reserved name, ICANN's enforcement actions are directed at the registry operator. However, if information suggests that a registrar may have violated its obligations under the RAA, ICANN Compliance will assess and address those issues under the RAA.

Importantly, the RAA recognizes that registry operators and registrars may occasionally need to delete or otherwise take action on a domain name to correct an error. To ensure transparency, registrars are required to inform registrants of this possibility through their registration agreements. Section 3.7.7.11 of the RAA requires registrars to include a provision stating that domain registrations may be suspended, canceled, or transferred when necessary to correct mistakes made by either the registrar or the registry operator in registering the name. This requirement reflects that the contractual framework anticipates the possibility of operational errors and ensures that registrants are informed of, and agree to, this possibility when registering domain names.

In line with ICANN's commitment to uphold the requirements contained in the RAA, the RA, and ICANN Consensus Policies, I also want to share that ICANN is exploring additional monitoring approaches intended to supplement existing complaint-handling and audit activities. ICANN is designing an additional monitoring process intended to help identify released country and territory names and flag any potential issues to ICANN Contractual Compliance for review and follow-up. Additional details will be shared with the community in due course. I want to assure you that strengthening contractual compliance awareness and enforcement processes across multiple areas, including DNS Abuse mitigation and other requirements that provide protections to countries, users, and registrants, remains a top priority as ICANN prepares for the expansion of the gTLD ecosystem.

Thank you for your continued engagement on these matters. Please do not hesitate to contact ICANN if you have any further questions or would like additional clarification.

Sincerely



Kurt Erik Lindqvist
President and Chief Executive Officer
Internet Corporation for Assigned Names and Numbers (ICANN)