

KnujOn (nûj-ôn)



Documentation of Ongoing Issues with Registrar Obligations under 3.7.8 and ICANN Compliance Procedures

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15 June, 2012

Registrar Concerned: Bizcn.com, Inc. (#471)

Brief: This document concerns a Registrar who has apparently failed to fulfill its obligations under RAA 3.7.8¹. The Registrar sponsors or did sponsor a domain advertised in unsolicited email. The domain was found to have inaccurate WHOIS. A complaint filed through ICANN's WHOIS Data Problem Report System (WDPRS). The registrant failed to update the WHOIS record during the 45-day complaint period and the Registrar and/or ICANN have not provided evidence that the Registrar fulfilled its obligation to investigate or correct the inaccuracy. The issue is compounded by the fact that the domain in question is one the many notorious "rogue" pharmacies which are known to traffic in controlled substances, sell adulterated or possibly poisonous medications, and be affiliated with organized crime. This is one of the most negative interactions of the Internet user or consumer. The failure of ICANN to properly address these violations by contracted parties threatens consumer trust and the overall stability of the Domain Name System.

¹ <http://www.icann.org/en/resources/registrars/raa/ra-agreement-21may09-en.htm#3.7.8>

Chronology

5 June 2011: In attempting to contact the administrator of approvedonlinepharmacy[DOT]net at the address indicated in the WHOIS record: contact@privacy-protect.cn, we received a rejection notice stating "I couldn't find any host named privacy-protect.cn." This issue was confirmed again on 6 Jun 2011, 21 Jun 2011, and 27 Jun 2011.

10 June 2011: A WDPRS complaint was filed and given the ticket number c6e6d0835bdb4112636fceb7d8c5c1a27744cabe.

25 July 2011: The 45-day complaint cycle closes without the inaccurate WHOIS data being updated. The follow-up report was filed as "unchanged." The domain was still active with the same content.

22 November 2011: KnujOn sent an official inquiry to ICANN Compliance about this issue.

25 March 2012: Compliance responded stating *"Registrar provided steps taken to investigate alleged inaccuracies.NO ACTION required. RESOLVED."*

3 May 2012: Due to the fact that it would be impossible for the Registrar to validate the inaccurate email address (the domain in the email "privacy-protect.cn" does not exist) KnujOn requested more details.

21 May 2012: ICANN Compliance responded stating *"Registrar verified that the data was correct in response to initial W-Ticket notice. Ticket Closed"*

Issue(s)

1. The domain "privacy-protect.cn", the email contact for this WHOIS record, did not exist or was not in the DNS and therefore could not receive email at any address. It would impossible for BizCn to "verify that the data was correct." The Registrar has supplied false information to ICANN Compliance. We have re-verified on 31 May 2012 that the domain "privacy-protect.cn" does not resolve, does not have an IP address and does not receive email

2. ICANN and/or the Registrar have not produced any evidence of compliance with RAA 3.7.8 within the 45-day period which requires a Registrar to *"take reasonable steps to investigate that claimed inaccuracy..."* and *"...take reasonable steps to correct that inaccuracy."*

Background Documentation

Content (Illicit Pharmacy)

The screenshot shows the homepage of American Trust Pharmacy. At the top, there is a navigation bar with the company logo, contact information for 24/7 customer support (US, AU, UK), and a 'YOUR CART' section showing 1 item. Below the navigation bar is a search bar and a row of service guarantees: 'SAFE & SECURE ORDER PROCESSING', 'WORLDWIDE DELIVERY GUARANTEED', 'MONEY BACK GUARANTEE', 'HIGHEST QUALITY GENERIC DRUGS', and 'PERSONAL APPROACH'. The main content area is divided into sections: 'OUR PRODUCTS' with a list of medical conditions, 'Just \$0.89 per item! Viagra', 'Just \$1.53 per item! Cialis', 'Just \$1.81 per item! Levitra', and 'Just \$2.06 per item! Kamagra'. There is also a 'TESTIMONIALS' section featuring a customer review from David Powell dated 2.12.2010.

Non-existent contact domain:

The screenshot shows an email header with the following content:

<contact@privacy-protect.cn>:
Sorry, I couldn't find any host named privacy-protect.cn. (#5.1.2)

--- Below this line is a copy of the message.

Return-Path: <wir@knujon.com>
Received: (gmail 22145 invoked from network); 31 May 2012 18:45:52 -0000
Received: from unknown (71.235.69.21)

WHOIS Record as of 18 June 2012:

The screenshot shows a WHOIS record for a domain. The administrative contact information is as follows:

Administrative Contact:
Henry Nguyen Gong contact@privacy-protect.cn
+33.0466583875 fax: +33.0466583875
26 Rue Jean Reboul
Nimes Languedoc-Roussillon 30900
fr