KnujOn (nûj-ôn)

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

Prepared by Garth Bruen of KnujOn.com, LLC for ICANN Compliance and ALAC/At-Large Working Groups

15 June, 2012

Registrar Concerned: CORE Internet Council of Registrars (#15)

Brief: This document concerns a Registrar who has apparently failed to fulfill its obligations under RAA 3.7.8\(^1\). 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

10 May 2011: In attempting to contact the administrator of finasterid-1mg[DOT]com at the address indicated in the WHOIS record: rt@pharmacy2000.vg, we received a rejection notice stating “Insufficient disk space; try again later.” We attempted to contact this address again on 28 May 2011 and 29 May 2011 with the same results.

3 June 2011: A WDPRS complaint was filed and given the ticket number de1dce636e3ead51beaca43b328425c4e6dc12ff.

17 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. After investigation, the WHOIS data for the three domain names had been updated. NO ACTION required. RESOLVED.”

3 May 2012: Because the cited updates occurred five months after the closure of the complaint period KnujOn requested additional details on this issue.

21 May 2012: ICANN Compliance responded stating “Registrar did not take steps between 10 June 2011 and 25 July 2011.” AND “WHOIS e-mail addresses updated”

Issue(s)

1. Registrar has failed to comply with RAA 3.7.8 and should be issued a breach notice.

2. The Compliance answer from 21 May 2012 of “Registrar did not take steps between 10 June 2011 and 25 July 2011” contradicts the Compliance answer from 25 March 2012 of “Registrar provided steps taken to investigate alleged inaccuracies.”

3. The update of the WHOIS record occurred six months after the closure of the complaint period.
Background Documentation

Current content

WHOIS record

Original Rejection notice

<rt@pharmacy2000.vg>:  
Connected to 213.198.73.8 but sender was rejected.  
Remote host said: 432 4.4.5 Insufficient disk space; try again later.  
I'm not going to try again; this message has been in the queue too long.