KnujOn (nûj-ôn)

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

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Registrar Concerned: Net 4 India (#1007)

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](http://www.icann.org/en/resources/registrars/raa/ra-agreement-21may09-en.htm#3.7.8)
Chronology

25 May 2011: In attempting to contact the administrator of cheaprxsale[DOT]com at the address indicated in the WHOIS record: dmasta@reggaefan.com, we received a rejection notice stating “User is unknown.”

3 June 2011: A WDPRS complaint was filed and given the ticket number cd18afedade64ec115ef8c545d4b0f10e9a2ee1f.

19 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.

26 December 2011: KnujOn sent an official inquiry to ICANN Compliance about this issue.

25 March 2012: ICANN Compliance responded stating the issue was “In compliance process”

3 May 2012: KnujOn requested an update on this issue.

21 May 2012: ICANN Compliance responded that “W-Tickets are closed when registrars transfer domain names, as once the domain name is transferred the previous registrar no longer sponsors the domain name. Registrars only have a duty to take reasonable steps to investigate claimed inaccuracies for names that they sponsor. In addition, W-Tickets do not transfer with domain names. Ticket Closed.”
Issue(s)

1. The domain was transferred ten months after the closure of the complaint period. This is an irrelevant detail.

2. The fact that the domain was transferred has no bearing on the registrant’s obligation to provide accurate information.

3. 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)

![Image of an online pharmacy website]

Rejection

<dmasta@reggaefan.com>:
74.208.5.90 does not like recipient.
Remote host said: 550 5.1.1 <dmasta@reggaefan.com>... User is unknown {mx-us010}
Giving up on 74.208.5.90.