KnujOn (nûj-ôn)

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

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Registrar Concerned: OnlineNIC (#82)

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/raa-agreement-21may09-en.htm#3.7.8
**Chronology**

11 May 2011: In attempting to contact the administrator of trustedtab[DOT]com at the address indicated in the WHOIS record: tr4188306586701@domainidshield.com, we received a rejection notice stating “Recipient address rejected: Invalid user.”

10 June 2011: A WDPRS complaint was filed for trustedtab[DOT]com and given the ticket number da43a5cc2868638e19de3f1b731c9f683d2b702c.

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: 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 “The registrar responded to the 2nd ICANN notice and verified the Privacy service data as correct. Also, ICANN sent a test email on 30 March 2012 to the e-mail address complained about and did not receive a bounce or e-mail failure notice in response. Ticket Closed”

**Issue(s)**

1. The Compliance testing of the administrator address occurred eight months outside of the compliance period so is therefore not relevant.

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."

3. It is clear the Registrar had to be contacted multiple times for this issue in a timespan well beyond the 15 day informal contact period cited previously by Compliance.
Background Documentation

Content (Illicit Pharmacy)

WHOIS Record

Administrat:
name-- Domain ID Shield Service
org-- Domain ID Shield Service CO., Limited
country-- CN
province-- Hong Kong
city-- Hong Kong
address-- 1102-1103,11/F,Kowloon Bldg.,555 Nathan Rd.,Mongkok,Kowloon
postalcode-- 999077
telephone-- +852.22060092
fax-- +852.30030133
E-mail-- tr4188306586701@domaionidshieid.com

Failure message

<tr4188306586701@domaionidshieid.com>: 209.62.85.74 does not like recipient. Remote Post said: 550 5.1.1 <tr4188306586701@domaionidshieid.com>: recipient address rejected: invalid user giving up on 209.62.85.74.