

**SUMMARY DISMISSAL
BY THE BOARD ACCOUNTABILITY MECHANISMS COMMITTEE (BAMC)
RECONSIDERATION REQUEST 21-2
7 JULY 2021**

The Requestor, Pooja Gupta, seeks reconsideration of actions or inactions of registrar Net 4 India relating to the Requestor’s domain name poojashroff.in.¹ The Requestor asserts that she attempted to renew the registration of poojashroff.in and transfer it to a new registrar, but was unsuccessful because Net 4 India went out of business.² The Requestor does not challenge any ICANN action or inaction. Rather, the Requestor is challenging actions or inactions of a third party and asks that ICANN “allow [her] to renew” the domain name registration.³

I. Brief Summary.

The Requestor registered poojashroff.in with registrar Net 4 India.⁴ The Requestor asserts that she was unable to renew the registration for poojashroff.in before it expired on 5 May 2021.⁵ The Requestor asserts that she therefore attempted to transfer the registration to a different registrar, GoDaddy, and received an authorization code from Net 4 India to do so.⁶ But the Requestor alleges that she has been unable to complete this transfer, and as a result, was harmed by the loss of access to her websites, emails, and services “like banks and other portals.”⁷ The Requestor asks ICANN to “allow [her] to renew” her domain name registration.⁸

¹ Request 21-2, §§ 3, 6, at Pgs. 2–3. The domain at issue in Reconsideration Request 21-2 was identified by the Requestor in the cover email submitting Request 21-2 to reconsideration@icann.org. (See <https://www.icann.org/en/system/files/files/reconsideration-21-2-gupta-request-redacted-21may21-en.pdf>.)

² *Id.* §§ 4, 8, at Pgs. 2–3.

³ *Id.* § 9, at Pg. 3.

⁴ *Id.* § 3, at Pg. 2.

⁵ *Id.* § 4, at Pg. 2.

⁶ *Id.* § 9, at Pg. 3.

⁷ *Id.* §§ 6, 7, at Pg. 3.

⁸ *Id.* § 9, at Pg. 3.

Article 4, Section 4.2(k) of the ICANN Bylaws provides that upon receipt of a reconsideration request, ICANN’s Board Accountability Mechanisms Committee (BAMC) is to review the request “to determine if it is sufficiently stated.”⁹ The BAMC has evaluated Request 21-2 under this standard and concludes that it is not sufficiently stated because the Requestor is not challenging any ICANN action or inaction. The BAMC therefore summarily dismisses Request 21-2.¹⁰

II. Facts.

A. Background Facts.

The Requestor is the registrant of the domain name poojashroff.in and used Net 4 India as the registrar.¹¹ The Requestor claims that she was unable to renew her domain registration after it expired on 5 May 2021 because Net 4 India went out of business.¹² The Requestor asserts that after she was unable to renew her domain registration with Net 4 India, she attempted to transfer her expired domain registration to GoDaddy.¹³ But the Requestor asserts that she could not log into her account and thus was unable to change her name servers to complete this transfer.¹⁴ A search of the WHOIS database for .IN confirms, however, that registration of the domain name poojashroff.in has been successfully transferred to GoDaddy.¹⁵ The Requestor submitted

⁹ ICANN Bylaws, 28 November 2019, Art. 4, § 4.2(k).

¹⁰ A substantive review of the merits of the Requestor’s claims is beyond the scope of this Determination. The BAMC’s conclusion is limited to only the preliminary procedural assessment of whether the Requestor’s claim meets the requirements for bringing a reconsideration request.

¹¹ Request 21-2, § 3, at Pg. 2.

¹² *Id.* §§ 4, 8, at Pgs. 2–3. Net 4 India is currently the subject of an insolvency proceeding in the New Delhi Bench of India’s National Company Law Tribunal (NCLT). See An Update for Net 4 India Registrants, <https://www.icann.org/en/blogs/details/an-update-for-net-4-india-registrants-26-4-2021-en>. Following a successful challenge in front of the NCLT to stop the termination, ICANN terminated Net 4 India’s Registrar Accreditation Agreement (RAA).

¹³ Request 21-2, §§ 6, 9, at Pg. 3.

¹⁴ *Id.*

¹⁵ See <https://whois.registry.in> (search for domain “poojashroff.in”).

Request 21-2 on 21 May 2021, asserting that her inability to renew or transfer her domain registration harmed her because her “websites an[d] emails stopped working” and she lost access to platforms “like banks and other portals” connected to her official email.¹⁶

After receiving Request 21-2, ICANN explained to the Requestor that the WHOIS record shows that poojashroff.in is registered with GoDaddy and that the Requestor should contact GoDaddy to resolve any issues. ICANN also explained that Request 21-2 is an improper reconsideration request because it does not challenge any ICANN action or inaction and involves a domain name in .IN, not a generic top-level domain. The Requestor, however, did not respond to ICANN or withdraw Request 21-2.

B. Relief Requested.

The Requester asks ICANN org to “allow [her] to renew [her domain] as [she] ha[s] already received [an] authorization code and will shift to GoDaddy.”¹⁷

III. Issue.

The issue is whether Request 21-2 meets the requirements for bringing a reconsideration request in accordance with the reconsideration criteria set forth in the Bylaws.

IV. The Relevant Standards For Reconsideration Requests.

Articles 4.2(a) and (c) of ICANN’s Bylaws provide in relevant part that any entity “may submit a request for reconsideration or review of an ICANN action or inaction . . . to the extent the Requestor has been adversely affected by:

- (i) One or more Board or Staff actions or inactions that contradict ICANN’s Mission, Commitments, Core Values and/or established ICANN policy(ies);
- (ii) One or more actions or inactions of the Board or Staff that have been taken or refused to be taken without consideration of material information, except where

¹⁶ Request 21-2, §§ 5–7, at Pgs. 2–3.

¹⁷ *Id.* § 9, at Pg. 3.

the Requestor could have submitted, but did not submit, the information for the Board's or Staff's consideration at the time of action or refusal to act; or

- (iii) One or more actions or inactions of the Board or Staff that are taken as a result of the Board's or Staff's reliance on false or inaccurate relevant information.”¹⁸

Pursuant to Article 4, Section 4.2(k) of the Bylaws, the BAMC reviews each reconsideration request upon its receipt to determine if the claims meet the requirements for bringing a reconsideration request.¹⁹ The BAMC may summarily dismiss a reconsideration request if the BAMC determines the request: (i) does not meet the requirements for filing reconsideration requests under the Bylaws; or (ii) it is frivolous.²⁰

V. Analysis and Rationale.

In evaluating whether a reconsideration request is sufficiently stated, the BAMC considers the following factors: (1) is the reconsideration request timely; and (2) do the requestor's claims “meet the requirements for bringing a reconsideration request”?²¹ The BAMC concludes that while Request 21-2 is timely, the Requestor does not meet the minimum requirements for bringing a reconsideration request because the Requestor does not seek reconsideration of any ICANN action or inaction.

A. Request 21-2 Is Timely

Per ICANN's Bylaws, a reconsideration request must be submitted within 30 days after the date on which the Requestor became aware of, or reasonably should have become aware of, the challenged action.²² The Requestor claims she learned of the expiration of poojashroff.in on

¹⁸ ICANN Bylaws, 18 June 2018, Art. 4 §§ 4.2(a) and (c).

¹⁹ *Id.* at § 4.2(k).

²⁰ ICANN Bylaws, 18 June 2018, Art. 4 § 4.2(k).

²¹ *Id.*, Art. 4, § 4.2(k); *see also id.* § 4.2(e)(ii) (the BAMC has the power to “[s]ummarily dismiss insufficient or frivolous Reconsideration Requests”).

²² ICANN Bylaws, Art. 4, § 4.2(g)(i)(B).

5 May 2021, and her inability to successfully renew it when her “websites an[d] emails stopped working” after that.²³ She later sought to transfer her domain name registration to GoDaddy.²⁴ As the Requestor submitted Request 21-2 on 21 May 2021, sixteen days after the expiration of her domain name registration, her request is timely.

B. The Requestor Does Not Challenge Any ICANN Action As Required to Bring a Reconsideration Request.

Request 21-2 does not identify any ICANN action or inaction that Requestor seeks to have reconsidered. Rather, the Requestor alleges that she could not renew her domain name registration in .IN on time “[m]ostly because net4.com went out of business.”²⁵ Specifically, the Requestor claims that due to Net 4 India becoming insolvent, she could not renew her domain name registration and thereafter was unable to successfully transfer the registration to a new registrar, GoDaddy.²⁶ She further asserts that her attempts “to connect with net4.com” to resolve the issue were unsuccessful.²⁷

ICANN is not involved in the individual renewal or transfer of domains.²⁸ Further, because the Requestor’s domain is registered under the country code top-level domain “.IN,” ICANN does not have the authority to intervene in any issues the Requestor encounters relating to the transfer of registration.²⁹ Moreover, a search of WHOIS records reveals that the registration of poojashroff.in has been transferred to GoDaddy.³⁰

²³ Request 21-2, §§ 4–5, at Pg. 2.

²⁴ *Id.* § 9, at Pg. 3.

²⁵ Request 21-2, § 8, at Pg. 3.

²⁶ *Id.* § 4, at Pg. 2.

²⁷ *Id.* § 4, at Pg. 2.

²⁸ See What ICANN Does and Doesn’t Do, <https://www.icann.org/en/system/files/files/what-icann-does-22jun12-en.pdf>.

²⁹ See About ccTLD Compliance, <https://www.icann.org/resources/pages/cctld-2012-02-25-en>.

³⁰ <https://whois.registry.in> (search for domain “poojashroff.in”).

The reconsideration process is not intended to be a mechanism for parties to challenge third-party actions or inactions. To do so would undermine the purpose of the reconsideration process as set forth in Article 4, Section 4.2(a) of the Bylaws, which is to provide “a process by which any person or entity materially affected by an action or inaction *of the ICANN Board or Staff* [to] request . . . the review or reconsideration of *that action or inaction* by the Board, . . . to the extent that the Requestor has been adversely affected by” *Board or Staff action or inaction*.³¹

Because ICANN had no involvement in the conduct at issue in Request 21-2, there is no ICANN action or inaction for the BAMC to reconsider. Accordingly, Request 21-2 does not meet the requirements for bringing a request for reconsideration.

VI. Determination.

A substantive review of the merits of the Requestor’s claims is beyond the scope of the BAMC’s procedural evaluation. The BAMC’s conclusion is limited to only the preliminary assessment of whether the Requestor’s claims meet the requirements for bringing a reconsideration request. For the foregoing reasons, the BAMC concludes that Request 21-2 does not meet the requirements for bringing a reconsideration request and therefore summarily dismisses Request 21-2.

³¹ ICANN Bylaws, Art. 4, § 4.2(a), (c) (emphasis added).