



18 June 2019

RE: Abusive Activity of a Domain Name Registrant

Wesley Haughton
Via Email

Dear Wesley Haughton,

Thank you for your submission regarding the abusive activity you and your son experienced when making an online purchase, and for your request that the ICANN organization (all subsequent uses of "ICANN" refer to the ICANN organization) take action. I appreciate your son's disappointment, the concern this has caused you and understand your request. I've researched this issue with various departments inside ICANN to provide you with this response.

In your complaint, you stated that after purchasing goods online, that the tracking system became unavailable after 30 days, that you never received the item, and that you would like to get your money back. I understand this has upset you and your son and I assure you that ICANN is not okay with protecting criminals as you've indicated in your message. However, ICANN is bound by its [Bylaws](#) and contracts, among other things.

ICANN is not a governmental agency but instead a private sector, non-profit organization with limited technical responsibility for coordinating the assignment of Internet domain names and IP addresses. This coordination is provided using a bottom-up, consensus-driven, multi-stakeholder model comprised of three parts: [the ICANN Community](#), [the ICANN Board](#), and [the ICANN Organization](#). The ICANN community is a volunteer-based group of diverse stakeholders from across the world. They work together to give advice and develop policy within ICANN's mission. In order to create new policies or amend existing ones, the [Policy Development Process](#) described in [ICANN's Bylaws](#) must be utilized and driven by the ICANN community. The ICANN Board is a group of representatives from the ICANN community that oversees the ICANN organization. The ICANN organization provides staff and resources to support the ICANN community and Board, and implements and enforces policies developed by the community.

In addition to the implementation and enforcement of ICANN community developed policies, ICANN accredits registrars and registries to provide certain domain name registration services. ICANN's authority is purely contractual, and limited to [registrar agreements](#), [registry agreements](#), and [ICANN community developed policies](#). The agreements between ICANN and registrars and registries outline certain responsibilities for both ICANN, the registrar and the registry. ICANN is responsible for overseeing and enforcing the contracts.

ICANN is responsible for enforcing all obligations in its agreements and policies with its contracted parties – ICANN accredited registrars and registries. ICANN does not have authority over issues arising with non-contracted parties or issues that are not in contravention of an ICANN contract or policy. For situations where a registrar is believed to not be following one or more provisions of its contract, it should be reported to ICANN's Contractual Compliance department to be evaluated. Once reported to Contractual Compliance, the team will research the facts and if they find the

registrar is in contravention of its contract, ICANN will enforce the terms of the agreement and policies to the fullest extent and within our ability. To submit a report to Contractual Compliance, please select and submit the appropriate form at <https://www.icann.org/compliance/complaint>.

As noted above, ICANN does not have authority over issues arising with non-contracted parties, such as domain name registrants, web-hosters, resellers, etc. In your case, it is the domain name registrant or the owner of the web-content that has harmed you and such parties are not subject to ICANN contractual compliance as they do not have a contract with ICANN. In your case, I am aware of one provision in the Registrar Accreditation Agreement that may be useful to you. Section 3.18 of the Registrar Accreditation Agreement, entitled Registrar's Abuse Contact and Duty to Investigate Reports of Abuse, states that, "Registrar shall take reasonable and prompt steps to investigate and respond appropriately to any reports of abuse." As you can see, the provision states the registrar "shall...investigate and respond...to any reports of abuse", however this does not always yield a cure and/or there is no requirement for your money to be refunded.

I also wanted to advise you that in situations where a domain name registrant or other service provider's performance cannot be resolved with that entity, it can sometimes be addressed by private-sector agencies involved in addressing customer service-related issues. Private sector agencies to consider are the Better Business Bureau at <http://www.bbb.org/>, or the International Consumer Protection and Enforcement Network <http://www.icpen.org/>. If you believe your complaint concerns an illegal matter, please contact the appropriate law enforcement agency, which will vary depending on jurisdiction, or you may consult an attorney for legal advice.

ICANN, the institution, is founded on the fundamental belief that all users of the domain name system deserve a say in how it is run. Participating in the ICANN ecosystem provides the opportunity to share your thoughts and concerns regarding current and future policies and contracts with registrars and registries, among other things. I encourage you to consider contributing in the ICANN community. If you're interested in learning more about how to participate, you can review the "[About ICANN](#)" section of our website. You may also want to think about reviewing and commenting on proposals through our [Public Comment Forums](#), or attending an [ICANN Meeting](#) in person or remotely.

Thank you again for your submission regarding the abusive practice you experienced when making an online purchase. As explained above, you should submit issue(s), and accompanying evidence, where a contracted party is not following their agreement to ICANN Contractual Compliance for review. If it is determined the registrar is in contravention of an ICANN contract or policy, ICANN Contractual Compliance will address the matter. If your issue(s) are not in contravention of an ICANN contract or policy, then please consider the additional options provided above.

I hope this information was useful to you and I encourage you to participate in the ICANN model.

Kind regards,

Krista Papac
Complaints Officer
ICANN