Dear Kaitlyn,

Thank you for your patience while I investigated your situation. I spoke to ICANN Contractual Compliance who gave me the background information, outcomes of their investigation, and a summary of their communications with you and your registrar — [redacted]. ICANN does not have the technical capability, power, or authority to take any website down. ICANN is not a regulator, government, or law enforcement agency. ICANN has no authority, contractual or otherwise, to enforce laws and regulations, or to evaluate whether a domain name or a website may be violating the laws of a specific jurisdiction. Instead, ICANN has a limited technical remit to oversee the assignment of domain names and numbers. ICANN’s oversight role with respect to registrars is stipulated in its contract (the Registrar Accreditation Agreement, or RAA) with [redacted]. The RAA has a provision that requires registrars [redacted] to investigate claims of abuse, which [redacted] did, and provided ICANN compliance with evidence they investigated the abuse claim. Once/when ICANN compliance validated [redacted] had taken the required action to “investigate” your abuse claim, they had no additional authority or contractual language to act upon.

ICANN Contractual Compliance provided me with additional information they received from [redacted] regarding available paths you may want to pursue, and that may be able to better assist with your circumstances. I’ve copy/pasted the additional information below for you.

- Pursuant to Section 230(c) of the Communications Decency Act, [redacted] does not remove allegedly defamatory material from domains hosted on its service unless the material has been found to be defamatory by a court, as evidenced by a court order.
- [redacted] cannot validate or invalidate the veracity of individual defamation claims and therefore relies on the legal system and courts to determine whether or not material is indeed considered defamatory. [redacted] further explained: “In any case in which a court order indicates material is defamatory, libelous, or slanderous in nature; [redacted] will disable access to the material. Similarly, in any case in which a US Court has placed an injunction against specified content or material; [redacted] will comply and remove or disable access to the material in question.”
- Ms. Cantley should also consider contacting the hosting provider ([redacted] provided her with instructions on how to determine who this provider is on multiple occasions) as the content may violate the hosting provider’s TOS and they may be able to disable it.

Based on all this information, I cannot help you – however, I suggest following [redacted] advice and going to law enforcement or a court of law to get a court order that you can give to [redacted]. I am sorry this is such a difficult and upsetting situation and I hope you can get this matter resolved. However, ICANN can only act within the limits of the ICANN agreements. The information and records provided to ICANN show that [redacted] took reasonable and prompt steps to investigate the report and provided an appropriate response. ICANN has no authority (contractual and otherwise) to require a registrar to take any action the registrar has reasonably determined, after conducting its assessment, may contravene laws or regulations the registrar must abide by.

I believe you are in the United States. If that is the case, I’m not sure if this will be helpful to you, but I recently came across online forms both the US Department of Defense (DOD) and the Federal Bureau of Investigation (FBI) have where citizens can file complaints about “crimes”. You may want to consider finding the online forms and filing a complaint(s) through DOD, FBI, or both. Other than seeing the DOD and FBI online forms, I don’t
have any other experience with what submitting a complaint to them means or how it works, but I wanted to share this information with you in case it’s something you want to pursue.

Again, I feel for you and am sorry to hear about what you’ve been dealing with. I hope that law enforcement or a legal professional can help you and I wish you much luck in your search for a solution.

All the best,
Krista

Krista Papac
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