



20 November 2017

RE: Response to Domain Name Renewal Problem

Tarun Mehta
Via Email

Dear Tarun Mehta,

Thank you for your submission advising of your problem related to the renewal of your domain name. As I understand your submission, you are unhappy with how the ICANN org (all subsequent uses of "ICANN" refer to the ICANN organization) handled a complaint claiming that your domain name registrar failed to alert you that a domain name set to auto-renew could not be renewed. You are requesting that ICANN compel your registrar to renew or reinstate your name, and if this isn't possible that they adequately compensate you. I appreciate you bringing this to the attention of the ICANN org. I've researched this issue with various departments inside ICANN and worked with the Contractual Compliance team to provide you with this response.

Following my research and internal discussions, I have found out that requiring your registrar to renew or reinstate your domain name, or to compensate you for your lost domain name is not something ICANN has the authority or ability to do. While I suspect this is not the answer you were hoping for, I thought it might be helpful to provide background information as to why we are not able to fulfill your request.

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 policies developed by the community.

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 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.

After researching your issue, my understanding is your domain name expiry date was 24 March 2016, and that you had selected the auto-renew service from your ICANN accredited registrar of record. At the time of your renewal, the payment method you had on file with your registrar wasn't available. You explained that your registrar did not inform you that your domain name wouldn't be auto-renewed under certain circumstances, such as not having an available form of payment on file, which you believe they should have done prior to your domain name expiring and that because of this your domain name was lost.

In August 2016, you contacted ICANN Contractual Compliance for assistance. ICANN Contractual Compliance contacted your registrar directly to investigate the matter. The registrar provided all requested documentation, including pre-expiration notifications sent to you and their publicly available renewal, deletion and recovery policies which describe the registrar's practices relating to such activities as renewal and auto-renewal. Based on the information provided by both you and your registrar, ICANN Contractual Compliance found your registrar demonstrated it met its contractual obligations related to pre-expiration notifications, domain name renewal, and was not in contravention of an ICANN policy or contract. For these reasons, ICANN was not empowered to act any further to assist you.

Once a registrant such as yourself has missed the renewal of one or more domain names, ICANN is unable to assist as missed renewal or redemption of a domain name does not implicate an ICANN policy or agreement and there is no jurisdiction for ICANN to intervene. Please be aware that ICANN does not have the ability or authority to compel your registrar to transfer or otherwise return a domain name to you, nor to require they compensate you for the lost name.

Although ICANN does not have the ability to assist with your issue related to the missed renewal of your domain name, I wanted to provide some alternatives you can consider for obtaining a domain name that someone else has registered: (1) Work out an agreement with the current registrant; (2) Wait and see if the current registrant lets the domain name expire; (3) File a lawsuit in the appropriate court against the current registrant; and/or (4) Begin an administrative proceeding under the Uniform Domain-Name Dispute-Resolution. Option 4 only applies in limited cases and is often utilized in consultation with a lawyer. For more details on option 4, please go to <http://www.icann.org/en/help/dndr/udrp>.

Additionally, in situations where a registrar 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/>. Lastly, as you may be aware—you are free to use the registrar of your choosing and base your selection on the criteria that is important to you. For a list of all ICANN accredited registrars, please see: <https://www.icann.org/registrar-reports/accredited-list.html>.

ICANN's fundamental belief is that all users of the domain name system deserve a say in how it is run. Participating in ICANN 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 problems you experienced with the renewal of your domain name. For these reasons, ICANN is unable to compel your registrar to renew, transfer or otherwise reinstate your domain name, nor are we able to require them to compensate you for the loss. Although ICANN cannot fulfill your request, I hope this information was useful to you.

Kind regards,

Krista Papac
Complaints Officer