



14 November 2017

RE: Response to Domain Name Transfer and Renewal Problem

Lorenzo Muscoso
Via Email

Dear Lorenzo Muscoso,

Thank you for your submission advising of your problem related to the transfer and renewal of your domain name. I appreciate you bringing this to the attention of the ICANN org (all subsequent uses of "ICANN" refer to the ICANN organization). 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 transferring, renewing or reinstating your domain name(s) is not something ICANN has the authority to do itself. 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 authorized 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 overseeing and enforcing the contracts.

After researching your issue, I've discovered you were initially trying to transfer your domain name from [REDACTED] to [REDACTED]. [REDACTED] has been accredited by and has a contract with ICANN, as described above, whereas [REDACTED] is not accredited by and does not have a contract with ICANN. You submitted your transfer issue to both the ICANN Global Support Center and the ICANN Contractual Compliance teams. The Global Support Center referred you to the Contractual Compliance team as they are the ones who could assist you.

When you contacted ICANN Contractual Compliance for assistance, they responded and requested additional information so they could contact the losing registrar ([REDACTED]) to investigate your claim. While you did provide ICANN Contractual Compliance with information,

the information you provided was regarding [REDACTED], rather than the requested information related to [REDACTED], and did not indicate or demonstrate your attempts to transfer your domain name between two ICANN accredited registrars. ICANN Contractual Compliance also contacted [REDACTED] directly to investigate the matter and found the registrar did not have a transfer request from you and therefore did not violate any domain name transfer policies. As a result, ICANN advised you that it has no contractual authority over [REDACTED] as they are not an ICANN approved registrar, and no data was provided indicating [REDACTED] was out of compliance with a contractual or Consensus Policy provisions. For these reasons, ICANN was not empowered to act any further to assist you.

During the time, ICANN Contractual Compliance was investigating your issue and trying to guide and assist you, your domain name expired. Once a registrant such as yourself has missed the renewal of one or more domain names, ICANN is unable to assist as missed renewal 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 transfer or otherwise return a domain name to you.

Although ICANN does not have authority to assist with your issue related to Whois.com or 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. For more details on option 4, please go to <http://www.icann.org/en/help/dndr/udrp>.

Thank you again for your submission regarding problems you experienced with the transfer and renewal of your domain name. For these reasons, ICANN is unable to renew, transfer or otherwise reinstate your domain name. Although ICANN cannot fulfill your request, I hope this information was useful to you.

Kind regards,

Krista Papac
Complaints Officer