

## Response to Documentary Information Disclosure Policy Request

To: Kin Sun

Date: 13 March 2015

Re: Request No. 20150211-1

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Thank you for your Request for Information dated 11 February January 2015 (the "Request"), which was submitted through the Internet Corporation for Assigned Names and Numbers' (ICANN) Documentary Information Disclosure Policy (DIDP) on behalf of the Centre for Internet & Society. For reference, a copy of your Request is attached to the email forwarding this Response.

### **Items Requested**

Your Request seeks the disclosure of all documents regarding the domain name Yuetu.com since it was registered including "the contract, the authorized form and related documents with [your] seal regarding the transfer of [your] domain name YUETU.COM." In particular, your Request seeks documents relating to the transfer of the domain name from registrars Xin Net Technology Corporation to eNom, Inc. to Name.com.

### **Response**

Your Request primarily seeks the disclosure of documents related to the transfer of the domain name Yuetu.com from registrars Xin Net Technology Corporation to eNom, Inc. to Name.com. According to your Request, you are the real registrant of Yuetu.com and the domain name was allegedly "illegally transferred" from registrars Xin Net Technology Corporation to eNom, Inc. to Name.com without your authorization. (*See* Request 20150211-1.) Your Request further states that you submitted a complaint with ICANN's Contractual Compliance team and that ICANN advised you that the transfer was "legal." (*See id.*) Your Request advises that you are "considering [that the domain name] was hijacked and to turn to the police" and that you need the requested data to provide to law enforcement. (*Id.*)

As a preliminary matter, with respect to the contractual compliance complaint that you submitted in November 2014 regarding the transfer of the YUETU.COM, please note that ICANN did not advise you that the transfers were "legal" as you suggest in your Request. Rather, our records show that you were advised "ICANN addressed your complaint with all the registrars involved and did not find that any of them had breached their obligations under the Inter-Registrar Transfer Policy (IRTP)." ICANN further advised you that based upon its investigation, the transfers were requested and approved by a Transfer Contact (i.e. Registered Name Holder and Administrative Contact) as they were listed in the Whois information at the time of the transfer.

With respect to the documents that you seek, ICANN does not maintain, in the normal course of business, documents regarding domain names, such as registration data or contracts. To the extent that documents regarding Yuetu.com were obtained as part of the investigation into your complaint, such documents were obtained as part of ICANN's work in furtherance of its contractual compliance process. It is essential for ICANN to have the ability to communicate with its contracted parties on compliance-related complaints and investigations in a way that encourages the open exchange of information with those contracted parties. As a result, the documentation of ICANN's investigatory communications falls within the following Defined Conditions for Nondisclosure:

- Information exchanged, prepared for, or derived from the deliberative and decision-making process between ICANN, its constituents, and/or other entities with which ICANN cooperates that, if disclosed, would or would be likely to compromise the integrity of the deliberative and decision-making process between and among ICANN, its constituents, and/or other entities with which ICANN cooperates by inhibiting the candid exchange of ideas and communications.
- Information provided to ICANN by a party that, if disclosed, would or would be likely to materially prejudice the commercial interests, financial interests, and/or competitive position of such party or was provided to ICANN pursuant to a nondisclosure agreement or nondisclosure provision within an agreement.

Please note that information about domain names can be obtained from the registrars. Therefore, we suggest that you contact the relevant registrars directly to obtain the documentation.

### **About DIDP**

ICANN's DIDP is limited to requests for documentary information already in existence within ICANN that is not publicly available. In addition, the DIDP sets forth Defined Conditions of Nondisclosure. To review a copy of the DIDP, which is contained within the ICANN Accountability & Transparency: Framework and Principles please see <http://www.icann.org/en/about/transparency/didp>. ICANN makes every effort to be as responsive as possible to the entirety of your Request. As part of its accountability and transparency commitments, ICANN continually strives to provide as much information to the community as is reasonable. We encourage you to sign up for an account at MyICANN.org, through which you can receive daily updates regarding postings to the portions of ICANN's website that are of interest because as we continue to enhance our reporting mechanisms, reports will be posted for public access.

We hope this information is helpful. If you have any further inquiries, please forward them to [didp@icann.org](mailto:didp@icann.org).