



November 27, 2008

Re: Draft Advisory Concerning Registrar Best Practices to Protect Registrants upon Initiation of a Uniform Domain Name Dispute Resolution Policy (“UDRP”) Complaint

Dear Ms. Burnette, Mr. Rasheed,

We hereby take the opportunity to comment on ICANN's Draft Advisory outlining registrar “Best Practices” aimed at ensuring that domain name registrants receive notice of UDRP complaints. As a Dispute Resolution Service Provider, the WIPO Arbitration and Mediation Center (“Center”) welcomes efforts to enhance the continued efficient functioning of the ICANN-mandated UDRP.

The Center agrees that registrars should reply to “verification requests” in a timely fashion, i.e., within 2 business days. In the Center's experience such a timely reply facilitates notice of UDRP complaints to registrants under UDRP Rules, para. 2(a). We support the provision by registrars of relevant information, including the (1) registrant's billing address; (2) language of the applicable registration agreement; and (3) confirmation of the registrant's name and relevant contact information. It is further useful to highlight the need under UDRP, para. 8 for registrars to restrict the possibilities for the unilateral transfer of a domain name subject to an administrative proceeding under the UDRP, which transfers unfortunately occur in certain cases.

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Ms. Stacy Burnette, Mr. Khalil Rasheed, Marina del Rey – November 27, 2008

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Building on the information that would be provided as part of these Best Practices, ICANN may wish to further consider including the following non-exhaustive list of additional information that may assist a Provider in meeting its obligations under the UDRP (without prejudice to other relevant information that a Provider may request in the first instance or by way of follow-up as the circumstances require):

- (1) Relevant contact information (including email address(es)) for all of the domain name's registrant, technical, administrative, and billing contacts (ref. UDRP Rules, para. 2(a)(i)).

(UDRP Rules, para. 2(a) requires a Provider to send the complaint to the registered domain-name holder and to the domain name's technical contact and administrative contact as shown in the Registrar's WhoIs database. However, there have been observed WhoIs inaccuracies (ref. ICANN WhoIs Data Accuracy Study) and not insignificant instances of altered WhoIs data during both the time the complaint is in transit to a Provider and during compliance review (ref. UDRP Rules, para. 4). Therefore, it would seem that the applicable registrar would be in the best position to provide (or at least confirm the accuracy of) the current, accurate, and complete relevant contact information.)

- (2) Confirmation of the expiration date of the domain name, including a reference to the Expired Domain Deletion Policy.

(Building on the reference to the need for registrars under UDRP, para. 8 to restrict the possibilities for the unilateral transfer of a domain name subject to an administrative proceeding under the UDRP, it may be relevant and indeed useful to make reference to the ICANN Expired Domain Deletion Policy).

Sincerely,  
WIPO Arbitration and Mediation Center