# Annex C – Overview of Use Cases regarding transfer disputes

NB: The term ‘registrant claimant’ is used to describe a situation in which one person claims to be the legitimate registrant despite Whois data indicating differently.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **No** | **Scenario** | **Covered by current policy?** | **Parties involved** | **ICANN Compliance Enforcement power**  |
| 1 | The Registrar of Record denies the transfer, or is not providing an AuthInfo code within five calendar days | Existing IRTP/TDRP applies | Registrars and Registrants are both parties | Compliance has a role under existing policy |
| 2 | The Registrar is not responsive to a Transfer Emergency Action Contact (TEAC) regarding an urgent issue with a transfer.  | Existing IRTP/TDRP applies | Between Registrars | Compliance has a role under existing policy |
| 3 | The Registrar of Record does not remove the lock  | Existing IRTP/TDRP applies | Between Registrars | Compliance has a role under existing policy |
| 4 | The Registrar of Record does not provide a reasonably accessible method for the authorized Transfer Contact to remove the lock within five (5) calendar days | Existing IRTP/TDRP applies | Registrars and Registrants are both parties | Compliance has a role under existing policy |
| 5 | The Form of Authorization (FOA) is not sent to the Registered Name Holder by the Registrar of Record 3 | Existing IRTP/TDRP applies | Between Registrars | Compliance has a role under existing policy |
| 6 | The Administrative Contact authorises a transfer but the Registered Name Holder is challenging the authorisation | Existing IRTP/TDRP applies | Registrars and Registrants are both parties | Compliance has a role under existing policy. |
| 7 | The AuthInfo code is not sent to the Registered Name Holder but instead to another contact on file such as, for example, the account holder who may not even be listed in the Whois output. Or it is not send out at all. | Existing IRTP/TDRP applies | Between Registrars | Compliance has a role under existing policy |
| 8 | Two registrant claimants dispute to be the Registered Name Holder immediately prior to or directly following an inter-registrar transfer | Current ICANN policy does not apply - but an inter-registrant dispute resolution process could be envisioned  | Entirely between Registrants | No Compliance role |
| 9 | Two registrant claimants dispute who is the Registered Name Holder of a domain name without an inter-registrant transfer having taken place.  | "Inter-REGISTRANT" transfer policy from IRTP-C may apply (to be confirmed following implementation) | Entirely between Registrants | No Compliance role |
| 10 | Administrative contact and Registered Name Holder are spread across two parts of an organization and there is disagreement between them as to the validity of a transfer (see scenario 6) | Existing IRTP/TDRP applies | Entirely between Registrants | Compliance has a role under existing policy |
| 11 | A contractor registers a domain under their name on behalf of a customer. They are challenged by their customer who claims to be the Registered Name Holder but has never appeared in the Whois database. (see scenario 9) | ICANN policy does not apply (see Recommendation #9 on this issue)  | Entirely between Registrants | No Compliance role |
| 12 | A contractor registers a domain under their name on behalf of a customer, and then goes out of business - causing the domain to expire, leaving registrants to resolve the issue with a registrar who has never heard of them. | ICANN policy does not apply (but see Recommendation #9 on this issue) | Registrars and Registrants are both parties | No Compliance role |
| 13 | Registrant claimant says "I'm the owner, but I'm not in control of the name, here's why, help me get it back" (see scenario 9) | ICANN policy does NOT apply - but an inter-registrant dispute resolution process could be made available | Entirely between Registrants | No Compliance role |
| 14 | Two business partners split and claim rights on a domain name registration (see scenario 9) | ICANN policy does NOT apply - and this is a matter for the courts to resolve | Entirely between Registrants | No Compliance role |
| 15 | Company goes through an ownership/structure change - the original Registered Name Holder tries to retain the domain name registration | ICANN policy does NOT apply - and this is a matter for the courts to resolve | Entirely between Registrants | No Compliance role |
| 16 | Registrar of Record does not remove the privacy service contact information when the transfer is initiated and as a result the gaining registrar cannot validate the identity of the person requesting the transfer (also applies to any other entity that provides privacy service) | "Inter-REGISTRANT" transfer from IRTP-C may apply | Registrars and Registrants are both parties | Compliance may have a role as "Inter Registrant" rules are defined |
| 17 | A person registers a domain name on behalf of their company, but does so under his/her personal account. The person then leaves the company, but who should retain the domain name registration? (See scenario 9) | ICANN policy does not apply - but an inter-registrant dispute resolution process could be made available | Entirely between Registrants | No Compliance role |
| 18 | Person works at a company and registers a domain name on behalf of their company, possibly in the corporate account. However, their contact info is listed – the person leaves the company and access to the account and controlling email address is no longer possible.  | ICANN policy does not apply - but an inter-registrant dispute resolution process could be made available | Registrars and Registrants are both parties | No Compliance role |
| 19 | The registrant was not able to retrieve the Authinfo code from the control panel, then the registrant requested the registrar to send it but it was not sent within the required 5 days (note: both conditions need to be present) | Existing IRTP/TDRP applies | Registrars and Registrants are both parties | Compliance has a role, under existing policy |
| 20 | The means provided by the Registrar of Record for the registrant to retrieve the Authinfo code are more restrictive than the means provided for the registrant to update their contact or name server information | Existing IRTP/TDRP applies | Registrars and Registrants are both parties | Compliance has a role, under existing policy |
| 21 | The registrar does not send the FOA or sends it to someone who is not a Transfer Contact | Existing IRTP/TDRP applies | Registrars and Registrants are both parties | Compliance has a role under existing policy |
| 22 | The Registrar of Record does not provide the registrant with the means to unlock a domain name; then the registrant requests the registrar to unlock the domain but the registrar does not comply within 5 days (both conditions need to be present) | Existing IRTP/TDRP applies | Registrars and Registrants are both parties | Compliance has a role, under existing policy |
| 23 | The registrar allows the transfer without receiving the Authinfo -code - which would be technically impossible but can theoretically happen (in a scenario also involving registry error) | Existing IRTP/TDRP applies | Entirely between Registrars | Compliance has a role, under existing policy |