# 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.

(This overview is still a draft and will be finalised for the Final Report)

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| **No** | **Scenario** | **Covered by current policy?** | **Parties involved** | **ICANN Compliance Enforcement power**  |
| 1 | A Registrar is not authorizing a transfer-out, or is not providing an auth-info code in a timely way | Existing IRTP/TDRP applies | Registrars and Registrants are both parties | Compliance has a role under existing policy |
| 2 | Registrar is not responsive to a Transfer Emergency Action Contact (TEAC) regarding an issue with the contact.  | Existing IRTP/TDRP applies | Between Registrars | Compliance has a role under existing policy |
| 3 | Registrar not unlocking a name | Existing IRTP/TDRP applies | Between Registrars | Compliance has a role under existing policy |
| 4 | Registrar not allowing the registrant to unlock the domain themselves | Existing IRTP/TDRP applies | Registrars and Registrants are both parties | Compliance has a role under existing policy |
| 5 | Where the FOA's are not sent to the two transfer contacts | Existing IRTP/TDRP applies | Between Registrars | Compliance has a role under existing policy |
| 6 | The Administrative Contact authorises a transfer but the Registrant is challenging that | Existing IRTP/TDRP applies | Registrars and Registrants are both parties | Compliance has a role under existing policy. |
| 7 | When auth-code is sent to wrong whois contact, to the account holder that sometimes is not listed in the whois | Existing IRTP/TDRP applies | Between Registrars | Compliance has a role under existing policy |
| 8 | Two registrant claimants dispute to be the registrant immediately prior to or following an inter-registrar transfer | ICANN policy does NOT apply - but an inter-registrant dispute resolution process could be made available | Entirely between Registrants | No Compliance role |
| 9 | Two registrant claimants disputing to be the registrant of a domain name without an inter-registrant transfer having taken place.  | "Inter-REGISTRANT" transfer from IRTP-C may apply | Entirely between Registrants | No Compliance role |
| 10 | Administrative and Registrant contacts are spread across two parts of an organization and there's a disagreement between them as to the validity of a transfer | Existing IRTP/TDRP applies | Entirely between Registrants | Compliance has a role under existing policy |
| 11 | Different contacts or departments within an organization have conflicts | ICANN policy does not apply - but an inter-registrant dispute resolution process could be made available | Entirely between Registrants | No Compliance role |
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| 12 | A website designer registers a domain under their name on behalf of a customer for whom they build a website. They are challenged by their customer who claims to be the registrant but has never appeared in any Whois record at any time. | ICANN policy does NOT apply (but see Recommendation #9 on this issue)  | Entirely between Registrants | No Compliance role |
| 13 | A website designer registers a domain under their name on behalf of a customer, and then goes out of business - causing 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 |
| 14 | Registrant says "I'm the owner, but I'm not in control of the name, here's why, help me get it back" | ICANN policy does NOT apply - but an inter-registrant dispute resolution process could be made available | Entirely between Registrants | No Compliance role |
| 15 | Two business partners split and claim rights on the domain name | ICANN policy does NOT apply - and this is a matter for the courts to resolve | Entirely between Registrants | No Compliance role |
| 16 | Contract disputes sometimes enter into this | ICANN policy does NOT apply - and this is a matter for the courts to resolve | Entirely between Registrants | No Compliance role |
| 17 | Company goes through an ownership/structure change -- the original owner tries to retain the name | ICANN policy does NOT apply - and this is a matter for the courts to resolve | Entirely between Registrants | No Compliance role |
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| 18 | Privacy services -- losing registrar doesn't remove privacy service, the gaining registrar can't validate the identity of the person registering the name | "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 |
| 19 | This is also the case for any other entity that's providing the privacy service -- resellers or other 3rd parties for example | "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 |
| 20 | Somebody registers a domain name as part of their job, does it under their own personal account, they and company part ways, which trumps? | ICANN policy does NOT apply - but an inter-registrant dispute resolution process could be made available | Entirely between Registrants | No Compliance role |
|  | There is a spectrum here -- size of organization |  |  |  |
|  | Major manufacturer - clearer case |  |  |  |
|  | Small company (just a few people) - slides into the personal/contract dispute |  |  |  |
| 21 | Person works at the company -- maybe in the corporate account -- their contact info is listed -- they have left 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 |
| 22 | A claim is made -- but it is not clear at the outset that this is a private party dispute -- it looks like a transfer problem at the beginning -- it's only through working through the Registrars that the truth will out. | Unclear | Unclear | Unclear |
| 23 | It's not always clear at the outset that a given complaint is valid under the IRTP |  |  |  |
| 24 | Once the complainant has provided details, it is then possible to determine validity |  |  |  |
| 25 | Understanding changes during the course of the dispute process -- some prove valid, some are discovered  to be invalid |  |  |  |
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|  | Compliance scenarios |  |  |  |
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|  | + - Regarding the losing registrar: |  |  |  |
|  | + - Auth-code related: |  |  |  |
| 26 | - the registrant was not able to retrieve the auth code from the control panel, then the registrant requested the registrar to send it but it was not sent within the required 5 days ----- (the breach in this case is when both conditions are present) | Existing IRTP/TDRP applies | Registrars and Registrants are both parties | Compliance clearly has a role, under existing policy |
| 27 | - the means provided by the registrar for the registrant to retrieve the auth code are more restrictive than the means provided for the registrant to update its contact or name server information | Existing IRTP/TDRP applies | Registrars and Registrants are both parties | Compliance clearly has a role, under existing policy |
| 28 | - the registrar sends the Authinfo Code to someone  who is not the Registered Name Holder | Existing IRTP/TDRP applies | Registrars and Registrants are both parties | Compliance clearly has a role, under existing policy |
| 29 | - the registrar does not even send it at all | Existing IRTP/TDRP applies | Registrars and Registrants are both parties | Compliance clearly has a role, under existing policy |
|  | + - FOA related: |  |  |  |
| 30 | - the registrar does not send the FOA | Existing IRTP/TDRP applies | Registrars and Registrants are both parties | Compliance clearly has a role, under existing policy |
| 31 | - sends it to someone who is not a Transfer Contact | Existing IRTP/TDRP applies | Registrars and Registrants are both parties | Compliance clearly has a role, under existing policy |
|  | + - Unlocking of the domain name: |  |  |  |
| 32 | - the registrant did not have the means provided by the registrar to unlock the domain name, then the registrant requested the registrar to unlock the domains and the registrar did not unlock them within the five days ----- (the breach in this case is when both conditions are present) | Existing IRTP/TDRP applies | Registrars and Registrants are both parties | Compliance clearly has a role, under existing policy |
|  | + - Regarding the gaining registrar: |  |  |  |
|  | + - Auth-code related: |  |  |  |
| 33 | - the registrar allows the transfer without receiving the Auth-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 clearly has a role, under existing policy |
|  | + - FOA related: |  |  |  |
| 34 | - the registrar does not send the FOA | Existing IRTP/TDRP applies | Entirely between Registrars | Compliance clearly has a role, under existing policy |
| 35 | - the registrar sends the FOA to someone who is not a Transfer Contact | Existing IRTP/TDRP applies | Entirely between Registrars | Compliance clearly has a role, under existing policy |