**COMPILATION OF P/P PROVIDER RESPONSES TO SPECIFIC WG QUESTIONS**

*(NOTE: Additional information may also be found in the sample of surveyed P/P provider terms and conditions included in the WG Templates for Category F.)*

**1. What are provider practices regarding customer notification when a disclosure request is received, and is the customer given the opportunity to respond?**

***NetEarth One:***

Because we look at EACH and EVERY request manually if by ticket or mail, all requests for disclosure are passed to the PP customer, we ask the 2 parties requestee and pp customer to resolve whatever issue between them, as this is the best way forward for all parties

***Domain.com*** (<http://www.domain.com/legal/legal_domain.bml#domain-privacy-service>):

We do not automatically forward to our customers disclosure requests sent directly to us for processing​. If the requester asks us to, we will forward it.

Similar to Tucows, we prefer complainants work out any issues directly with registrants, and we do our best to communicate with both about the issue. Generally, we direct all abuse complaints to our compliance team and have processes in place to investigate those complaints. We reserve the right to suspend services for almost any reason, as is typical of online terms of service; however, in practice, we need to be reasonably certain that we suspend services as the result of legitimate abuse situations and not because of bogus, unsubstantiated, or unfounded complaints.

If the complaint relates solely to trademark infringement within a domain name (and not website content), we usually advise the complainant to follow the UDRP. For all other abuse issues, we review each report for potential terms of service violations. If we are able to confirm the alleged abusive behavior, we usually suspend the domain name and/or website as a result, including suspension of the whois privacy, resulting in the publication of the underlying whois.

If we are unable to substantiate the alleged abusive behavior, we usually suggest the complainant contact the registrant directly through the private Whois information or obtain a valid court or administrative order and submit it to us. We will also forward the complaint directly to the customer so he/she can respond directly. The uniqueness of each complaint means we do not always handle a particular issue exactly the same; each complaint is evaluated on its own merits.

***GoDaddy/Domains by Proxy*** (<https://www.domainsbyproxy.com/policy/ShowDoc.aspx?pageid=spam_dbp&isFilter=true>):

“We will disclose any information about you to government or law enforcement officials or private parties as we, in our sole discretion, believe necessary or appropriate to respond to claims and legal process (including without limitation subpoenas), to protect our property and rights or the property and rights of a third party, to protect the safety of the public or any person, or to prevent or stop activity we consider to be illegal or unethical. We will also share your information to the extent necessary to comply with ICANN's rules, regulations and policies. To the extent we are legally permitted to do so, we will take reasonable steps to notify you in the event that we are required to provide your personal information to third parties as part of legal process.”

***Tucows:***

Our contact privacy service does not contain specific trademark/infringement policies like GoDaddy's. We direct all issues to our abuse email where our compliance team takes a look.

While we retain the right under our ToS to disable privacy/suspend registration for illegal or harmful activities, in general we do the following:

- If the issue is with content on a website, we generally will provide an explanation of who we are as a registrar, recommend that they contact the registrant directly (via our contact privacy site), or that they contact the host, and provide information on how to do that. Usually we will also forward the complaint to the registrant and encourage them to address the issue.

- If the issue is with the domain name itself, we will usually respond with information on the UDRP process. We will also forward the complaint to the registrant and encourage them to respond.

"Usually" shows up in the above because we deal with each complaint on a case by case basis, and there are occasionally unique ones. That might be something like an anonymous complaint, or perhaps the domain very clearly violates our ToS. To summarize, our approach tends to be that we encourage registrants and complainants to deal with the issue themselves, while informing complainants and registrants of their responsibilities and avenues for recourse.

**Specific answers/comments about UDRP filings:**

***Aplus.net*** - We disclose privacy/proxy-protected WhoIs records in the event of a UDRP. We do not remove the P/P service on the public WhoIs but we provide the masked data in response to the 'request for registrar verification' email. This is covered in our Terms at <https://www.aplus.net/policy/whois.>

***EuroDNS*** - We have dealt with several cases where at the time of the registrar verification request, the P/P provider lifted their services. In every one of those cases, we reverted the whois details in the public database as well. I understand that filing UDRP proceedings could be a somehow easy route to circumvent the protection granted by a P/P service, but I also trust that if a complaint is blatantly frivolous it wouldn’t pass the UDRP provider administrative check.

***Domains by Proxy*** - “DBP routinely receives notices from its affiliated registrars informing it of the filing of various administrative proceedings under the Policy.  Upon receipt of such notices, DBP cancels its privacy service for the domain name that is the subject of the Policy dispute and notifies its customer about the cancellation of service.”

***Others*** – During the 23 September Working Group teleconference, several providers confirmed that they will Publish a customer’s contact details in the event of a UDRP filing against that domain name.

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**2. Does any provider offer its customer an option other than disclosure or publication, e.g. an opportunity to cancel the registration instead (i.e. what some WG members have mentioned as a “takedown”)?**

***NetEarth One:***

There is little point allowing a deletion of the domain, as it will then simply be registered elsewhere.  However, in point 1 getting the 2 parties talking and more to the point a resolution fixes the issue.

***Domain.com:***

We have not built this “takedown” concept into our process. At this point, disclosure and publication are our only actions.

***Tucows:***

[This] is an idea we had previously considered, 'self-requested take-down' might be something we offer pending the outcome of this WG.

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**3. What are provider “standards" for determining disclosure to third parties?**

***NetEarth One:***

Case by case basis - we do not host material for example, thus DMCA as an example is simply passed on.  If the issue is with the actual domain name, then UDRP.

***Domain.com:***

We require a valid court order or subpoena before disclosing information that is not already publicly available.

***Tucows:***

We do not have one for private 3rd parties. Excluding LEA and UDRP.

***GoDaddy/Domains by Proxy:***

Information needed for TM/Copyright claims form: <https://www.domainsbyproxy.com/policy/ShowDoc.aspx?pageid=trademark_copy_dbp>

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**4. Can providers give the WG some general information about the percentage of requests for disclosure that are successful?**

***NetEarth One:***

In the last year we have had 2 requests if memory serves and thus 2 disclosures.

***Domain.com:***

N.A.

***Tucows:***

Answers to these require the provider to be using some sort of ticketing/request system that allows tagging/categorization and reporting based on outcomes.  Many may not be big enough to have this sort of system in place, or have systems that don't offer these features.   This is probably exceedingly difficult information to capture

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**5. For Q4, do providers also have information about the type of claims those relate to e.g. If they are from LEA, 3P IP claim etc.?**

***NetEarth One:***

As for Q4, only LEA. We would only disclose on LEA request (in our jurisdiction) or court order.

***Domain.com:***

N.A.

***Tucows:***

See answer to Q4.