

I. Uniform Domain Name Dispute Resolution Policy

A. **Registrants who apply "to register a domain name**, or to maintain or renew a domain name registration, **[must]** represent and warrant... that (a) the statements ... made in **[their]** Registration Agreement are complete and accurate" **[UDRP policy, Paragraph 2]**.

Comments: The Para 2 of the UDRP policy makes Domain Registrant liable to provide complete & accurate statements, including contact information, which forms part of Domain WHOIS, by default.

DATA ACCURACY, quite relevant here.

B. **To demonstrate "legitimate interests in a Domain Name in Responding UDRP to a Complaint...** (ii) Respondent (as an individual, business, or other organization) have been **[commonly known]** by the domain name, even if acquired no trademark or service mark rights;" **[UDRP policy, Paragraph 4(c)]**

Comments: Under UDRP, for proving legitimate rights in a Domain Name, mostly under Ex-parte matters. The WHOIS information is mainly analyzed to determine whether the Respondent (Owner of Disputed Domain) is commonly known by the disputed domain name.

USERS, should include the Complainant and Panelist in a UDRP matter. Though, Complainant will require access to WHOIS even before filing of the Complaint, in determining whether to go for UDRP/legal action or not.

DATA ELEMENTS, Name and Company Name are relevant elements.

II. Rules for Uniform Domain Name Dispute Resolution Policy

A. The UDRP Service provider, **"when forwarding a complaint, including any annexes, electronically to the Respondent**, it has to employ reasonably available means calculated to achieve actual notice to the Respondent. Achieving actual notice, or employing the following measures to do so, shall discharge this responsibility:

(i) sending [Written Notice] of the complaint to all postal-mail and facsimile addresses shown in the domain name's registration data in [Registrar's Whois database] for the registered domain-name holder, the technical contact, and the administrative contact and supplied by Registrar to the Provider for the registration's billing contact; and

(ii) sending the complaint, including any annexes, in electronic form by e-mail to the [e-mail addresses] for those technical, administrative, and billing contacts;”

[Rules for Uniform Domain Name Dispute Resolution Policy, Paragraph 2]

Comments: Access need to be available to the UDRP Service provider.

Users/Purpose: UDRP Service provider require WHOIS details for service of notice.

Data Accuracy: It can be successfully served, only if the WHOIS is correct.

B. In a UDRP Complainant, “**the Complainant [needs] to provide the name of the Respondent (domain-name holder) and all information (including any postal and e-mail addresses and telephone and telefax numbers)** known to Complainant regarding how to contact Respondent or any representative of Respondent and Identify the Registrar with whom the Domain is registered at the time of the Complaint.”

[Rules for Uniform Domain Name Dispute Resolution Policy, Paragraph 3]

Comments: The Complainant is required to provide all the Contact information as a part of the Complaint and the most important source to know such information is WHOIS of a Domain Name, as the Respondent i.e. owner of a Disputed Domain name may be from any part of the world.

Accuracy: The data needs to be accurate.

Data Elements: Name, Address, Email, Telephone, Telefax and Domain Registrar.

Source of documents:

Policy: <https://www.icann.org/resources/pages/policy-2012-02-25-en>

UDRP Rules: <https://www.icann.org/resources/pages/udrp-rules-2015-03-11-en>

- **Adv. Ankur Raheja, Arbitrator - INDRP & Panelist - ANDRDC**
- **Email: raheja@cyberlawyer.in**