

## **Locking of a Domain Name Subject to UDRP Proceedings Survey Findings**

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### **REGISTRAR SURVEY**

#### **When is the lock applied**

- Registrars either lock a domain name pursuant to UDRP proceedings upon receipt of a complaint from the complainant (46%) or upon the provider's request for verification from the UDRP dispute resolution provider (49%).
- Only a small minority (2%) does not lock a domain name during UDRP proceedings.

#### **Kind of lock applied**

- The majority of respondents (69%) indicate that an EPP lock is applied. In a minority of cases (31%) a registrar lock, or an EPP lock + registrar lock is applied.
- Once a lock is applied, in a majority of cases the following changes are not allowed: a transfer to another registrar (95%); change of registrant (88%); transfer to another account at the same registrar (74%); cancellation (71%), and; modification of any Whois data except for where a bonafide "privacy" or "proxy" service is the listed registrant and that service substitutes the information that it already has on file for the "actual" registrant (52%).
- In a minority of cases (41%) modification of any Whois data is not allowed<sup>1</sup>.
- Typically the same lock is applied throughout the different stages of the UDRP proceedings.

#### **Timeframe for applying a lock**

- Half of the respondents (50%) apply the lock less than 12 hours on a business day following receipt of notice from the complainant or receipt of the provider's request for verification. In most other cases (46%) the lock is typically applied between 12 hours and 2 business days.

#### **Removing the lock**

- A majority of respondents (62%) moves the domain name into an account that is accessible only to the complainant if the UDRP proceeding is decided in favor of the complainant, after expiration of the 10 day "wait period" after a decision. Others note that this may not happen as a result of transfer out or cancellation request from the complainant or that the complainant first needs to create an account with the registrar.
- Most respondents (45%) unlock the domain name within 1 day after the expiration of the 'wait period' if the UDRP proceeding is decided in favor of the complainant. Others remove it between 1 and 5 business days (28%), after more than 5 business days (5%) or until action is taken by the complainant (e.g. new account provided, instructions on where to transfer the domain).

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<sup>1</sup> It was pointed out as part of the WG discussions that some registrars do not consider revealing the actual registrant in cases where proxy/privacy services are used a change of Whois.

- A majority of respondents (51%) unlocks the domain name within 1 business day after the 15 day 'wait period'. Most others (37%) unlock between 1 and 2 business days. A small minority (4%) needs more than 3 business days to unlock.

## **UDRP PROVIDER SURVEY**

### **Is the domain name locked**

- The UDRP providers note that in more than 75% of cases the registrar locks the domain name. In less than 25% of cases, registrars fail to confirm the lock within 5 days of the verification request.

### **When is the lock applied**

- Half of the UDRP Providers are not aware of the registrar locking the domain name upon receipt of a UDRP complaint from the complainant. The other half are aware of this happening, but only in less than 25% of cases.
- None of the UDRP providers are aware of registrars locking the domain name upon receipt of notice of commencement.

### **Changes after the lock has been applied**

- In less than 25% of cases, UDRP Providers are aware of subsequent material changes to the registrant data, which impacted administration of the UDRP dispute following the registrar having confirmed the locking in response to a verification request.
- In less than 25% of cases UDRP providers are aware of a confirmed domain name lock failing to prevent a transfer to another registrar or registrant, changes to relevant Whois data or expiration.

### **Issuing of request for verification**

- UDRP Providers typically issue a request for verification in less than 24 hours, and in many cases less than 12 hours.

### **Privacy / Proxy Registrations**

- Half of the UDRP providers finds that in less than 25% of cases the registrar discloses an “underlying” or “actual” registrant and confirms lock on that basis in response to the registrar verification request<sup>2</sup>. The other half finds that this happens in between 25% and 50% of cases.

### **Removing the lock**

- In their responses, 1 UDRP provider estimates that in less than 25% of cases where the UDRP proceeding has been decided in favor of the complainant, the registrar or registrar’s lock have hindered transfer of a domain name to the complainant after the 10 day “wait period”, while 1 UDRP provider notes that in many cases the domain name is unlocked, but it takes much longer than 10 business days.

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<sup>2</sup> One of the respondents further clarified that in approximately 25% of UDRP cases privacy / proxy registrations are involved of which in 75% of cases the underlying or actual registrant is revealed.

- In less than 25% of cases where the proceeding is decided in favor of the registrant, UDRP providers are aware of the registrar not having unlocked the domain name once the 15 day 'wait' period has expired.